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FIRST SESSION
THIRTY-SECOND PARLIAMENT

BILLS

AS INTRODUCED IN THE HOUSE
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REPRINTS AND THIRD READINGS

SESSION

APRIL 21st to JULY 3rd, 1981
AND
OCTOBER 13th to DECEMBER 18th, 1981

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THIRTY-SECOND PARLIAMENT

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BILL 140 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Planning Act

MR. SWART

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is to establish the principle in the *Planning Act* that the Minister shall not refer official plans or parts thereof to the Ontario Municipal Board for a hearing when the same subject-matter has been dealt with by the O.M.B. within a five-year period preceding the request. Provision is made for the Minister to waive the five-year limit if the matter is "essential and urgent".

BILL 140 1981

An Act to amend the Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 15 (1) of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, is amended by striking out "unless, in his opinion, such request is not made in good faith or is frivolous or is made only for the purpose of delay" in the fifth and sixth lines. s. 15 (1), amended

(2) The said section 15 is amended by adding thereto the following subsection: s. 15, amended

(1*a*) Notwithstanding subsection (1) the Minister shall not refer any part of the plan to the Municipal Board where, Exception to subs. (1)

(*a*) in his opinion, the request under subsection (1) is not made in good faith, is frivolous or is made only for the purpose of delay; or

(*b*) that part of the plan has been the subject-matter in a Municipal Board decision within the five-year period preceding the request unless the circumstances are such that the Minister considers that a referral is essential and urgent.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Planning Amendment Act, 1981*. Short title

An Act to amend the Planning Act

1st Reading

October 13th, 1981

2nd Reading

3rd Reading

MR. SWART

(*Private Member's Bill*)

1981

BILL 141 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Power Corporation Act

The Hon. R. Welch
Minister of Energy

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Notes

Section 1. Section 75 of the Act deals with the method of determining the price payable for power by a municipal corporation. The amendment adds to the factors to be included in the price "the municipal corporation's proportion, as adjusted by the Corporation (Ontario Hydro), of,

(*ab*) the difference in the revenue of the Corporation mentioned in section 90*a*".

Section 90*a* is contained in section 2 of this Bill.

Section 2. New section 90*a* of the Act requires the Corporation (Ontario Hydro) to forecast the rural rate differential each year and, where the rural rate differential is forecast to exceed 15 per cent, to fix discounts to customers in rural residential premises so that the rural rate differential will be reduced to 15 per cent on a yearly basis. The term "rural rate differential" is defined in the section.

The section also authorizes the Corporation to increase the price payable for power by municipal commissions and other persons supplied with power in order to recover any forecast difference in the Corporation's revenue. The term "municipal commission" is defined in the section to mean a municipal corporation or municipal commission or the trustees of a police village supplying power that is supplied to it or them by the Corporation.

The section also provides that section 37 of the *Ontario Energy Board Act* does not apply in respect of rates fixed or altered in accordance with the section for the year 1982. Section 37 of that Act provides that where Ontario Hydro proposes to change any of its rates or charges to a municipal commission, it must submit the proposal to the Minister of Energy and the Minister must refer the proposal to the Ontario Energy Board to hold a public hearing and make a report to the Minister.

BILL 141 1981

An Act to amend the Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 75 of the *Power Corporation Act,* being chapter 384 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 16, section 7, is further amended by adding thereto the following clause: s. 75, amended

(*ab*) the difference in the revenue of the Corporation mentioned in section 90*a*.

2. The said Act is amended by adding thereto the following section: s. 90*a*, enacted

90*a*.—(1) In this section, Interpretation

(*a*) "municipal commission" means municipal corporation or municipal commission or the trustees of a police village supplying power that is supplied to it or them by the Corporation;

(*b*) "municipal residential premises" means premises that are supplied individually with power by a municipal commission and that the Corporation decides are used for residential purposes on a year-round basis;

(*c*) "rural rate differential" means the amount by which the weighted average rural bill exceeds the weighted average municipal bill, expressed as a percentage of the weighted average municipal bill;

(*d*) "rural residential premises" means premises that are supplied, either individually or in conjunction with a farm, with power by the Corporation under this Part and that the Corporation decides are used for residential purposes on a year-round basis;

(*e*) "weighted average municipal bill" means the amount obtained by,

(i) multiplying the amount payable to each municipal commission for the first 1,000 kilowatt hours of power consumed per month in a municipal residential premises by the number of municipal residential premises supplied with power by the municipal commission,

(ii) adding together the products obtained in respect of all municipal commissions in accordance with subclause (i), and

(iii) dividing the sum obtained in accordance with subclause (ii) by the total number of municipal residential premises supplied with power by municipal commissions;

(*f*) "weighted average rural bill" means the amount obtained by,

(i) multiplying the amount payable under each rate class of the Corporation that applies to rural residential premises for the first 1,000 kilowatt hours of power consumed per month by the number of rural residential premises within the class,

(ii) adding together the products obtained in respect of all the classes in accordance with subclause (i), and

(iii) dividing the sum obtained in accordance with subclause (ii) by the total number of rural residential premises.

Rural rate differential

(2) The Corporation shall forecast the rural rate differential each year for the next following year.

Discounts

(3) Where the Corporation forecasts a rural rate differential that exceeds 15 per cent, the Corporation shall fix discounts from the rates to be charged for power consumed each month in rural residential premises in the next following year.

Calculation

(4) The discounts shall be calculated to result in a forecast rural rate differential of 15 per cent on a yearly basis.

Recovery of difference in revenue

(5) The Corporation may increase the price payable for power by municipal commissions and any of the other persons supplied

with power by the Corporation in order to recover any difference in the revenue of the Corporation that is forecast to occur as a result of the application of subsections (2) to (4).

Effect of contract

(6) Subsection (5) applies notwithstanding any contract entered into between the Corporation and a municipal commission or other person.

Use of premises

(7) The Corporation may decide, for the purposes of this section, whether or not premises are used for residential purposes on a year-round basis and need not hold or afford to any person an opportunity for a hearing before so deciding.

Review of forecast or decision

(8) No proceedings shall be commenced in any court or tribunal to question or review a forecast or a decision respecting the use of premises referred to in this section that is made in good faith by the Corporation but this does not apply to a proceeding under section 37 of the *Ontario Energy Board Act*.

Application of R.S.O. 1980, c. 332

(9) Section 37 of the *Ontario Energy Board Act* does not apply in respect of rates fixed or altered in accordance with this section for the year 1982.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Power Corporation Amendment Act, 1981*.



An Act to amend the
Power Corporation Act

1st Reading

October 15th, 1981

2nd Reading

3rd Reading

THE HON. R. WELCH
Minister of Energy

(*Government Bill*)

BILL 141

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Power Corporation Act

THE HON. R. WELCH
Minister of Energy

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 141 1981

An Act to amend the Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 75 of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 16, section 7, is further amended by adding thereto the following clause: s. 75, amended

(*ab*) the difference in the revenue of the Corporation mentioned in section 90*a*.

2. The said Act is amended by adding thereto the following section: s. 90*a*, enacted

90*a*.—(1) In this section, Interpretation

(*a*) "municipal commission" means municipal corporation or municipal commission or the trustees of a police village supplying power that is supplied to it or them by the Corporation;

(*b*) "municipal residential premises" means premises that are supplied individually with power by a municipal commission and that the Corporation decides are used for residential purposes on a year-round basis;

(*c*) "rural rate differential" means the amount by which the weighted average rural bill exceeds the weighted average municipal bill, expressed as a percentage of the weighted average municipal bill;

(*d*) "rural residential premises" means premises that are supplied, either individually or in conjunction with a farm, with power by the Corporation under this Part and that the Corporation decides are used for residential purposes on a year-round basis;

(*e*) "weighted average municipal bill" means the amount obtained by,

(i) multiplying the amount payable to each municipal commission for the first 1,000 kilowatt hours of power consumed per month in a municipal residential premises by the number of municipal residential premises supplied with power by the municipal commission,

(ii) adding together the products obtained in respect of all municipal commissions in accordance with subclause (i), and

(iii) dividing the sum obtained in accordance with subclause (ii) by the total number of municipal residential premises supplied with power by municipal commissions;

(*f*) "weighted average rural bill" means the amount obtained by,

(i) multiplying the amount payable under each rate class of the Corporation that applies to rural residential premises for the first 1,000 kilowatt hours of power consumed per month by the number of rural residential premises within the class,

(ii) adding together the products obtained in respect of all the classes in accordance with subclause (i), and

(iii) dividing the sum obtained in accordance with subclause (ii) by the total number of rural residential premises.

Rural rate differential

(2) The Corporation shall forecast the rural rate differential each year for the next following year.

Discounts

(3) Where the Corporation forecasts a rural rate differential that exceeds 15 per cent, the Corporation shall fix discounts from the rates to be charged for power consumed each month in rural residential premises in the next following year.

Calculation

(4) The discounts shall be calculated to result in a forecast rural rate differential of 15 per cent on a yearly basis.

Recovery of difference in revenue

(5) The Corporation may increase the price payable for power by municipal commissions and any of the other persons supplied

with power by the Corporation in order to recover any difference in the revenue of the Corporation that is forecast to occur as a result of the application of subsections (2) to (4).

Effect of contract

(6) Subsection (5) applies notwithstanding any contract entered into between the Corporation and a municipal commission or other person.

Use of premises

(7) The Corporation may decide, for the purposes of this section, whether or not premises are used for residential purposes on a year-round basis and need not hold or afford to any person an opportunity for a hearing before so deciding.

Review of forecast or decision

(8) No proceedings shall be commenced in any court or tribunal to question or review a forecast or a decision respecting the use of premises referred to in this section that is made in good faith by the Corporation but this does not apply to a proceeding under section 37 of the *Ontario Energy Board Act*.

Application of R.S.O. 1980, c. 332

(9) Section 37 of the *Ontario Energy Board Act* does not apply in respect of rates fixed or altered in accordance with this section for the year 1982.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Power Corporation Amendment Act, 1981*.

An Act to amend the
Power Corporation Act

1st Reading

October 15th, 1981

2nd Reading

October 27th, 1981

3rd Reading

October 29th, 1981

THE HON. R. WELCH
Minister of Energy

BILL 142 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Assessment Act

THE HON. G. L. ASHE
Minister of Revenue

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

The purpose of this Bill is,

(*a*) to transfer the responsibility for determining school support to the assessment commissioner from the clerk of the municipality;

(*b*) to provide that the census (or enumeration) now taken annually under the *Assessment Act* will be taken in full, only in years when a general municipal election will be held; in other years, a limited census will be conducted by the assessment commissioner, and data on school support and population in a municipality will be gathered through this limited census and through the information regularly coming to the office of the assessment commissioner for preparation of the annual assessment roll;

(*c*) to postpone until December, 1982 the return of assessments at full market value and, consequently, to continue for municipal taxation in 1982 the present levels of assessment;

(*d*) to provide that rental premises that are converted to condominium ownership will be assessed at the level of assessment of similar rental property in the vicinity to which the reduced level of assessment under subsection 65 (2) of the Act is not applicable and until the newly-created condominium unit is sold to an individual and occupied by the owner as his residence;

(*e*) to provide that, so long as an assessment returned on the assessment roll is under appeal, the roll will not be altered, nor any municipal tax refunded, until the appeal of the assessment has been finally determined.

Section 1.—Subsection 1. The clause to be added confers an additional regulation-making power on the Minister in respect of information to be included in the census.

Subsection 2. This regulation-making power is consequential on the amendment set out in section 5 of the Bill.

Section 2.—Subsection 1. The amendment contained in this subsection directs the assessment commissioner to include a designation for school support on the assessment roll opposite the names of those persons who are entitled to direct taxes for school support purposes.

Subsection 2. The amendment provides that in determining a person's school support designation on the assessment roll, the assessment commissioner is to have regard to the school support list he is directed to prepare under section 15 of the Act and to the Index Book provided for in the *Education Act*.

BILL 142 1981

An Act to amend the Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 (1) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 2 (1), amended

(*e*) prescribing additional information to be included in the census to be taken by the assessment commissioner.

(2) Section 2 of the said Act is amended by adding thereto the following subsection: s. 2, amended

(2*a*) The Lieutenant Governor in Council may make regulations prescribing for the purposes of clause 34 (3) (*b*) a higher rate of interest than 6 per cent. Idem

2.—(1) Subsection 13 (1) of the said Act is amended by adding thereto the following paragraphs: s. 13 (1), amended

17. Religion, if Roman Catholic.

18. Whether a public or separate school supporter, by inserting the letter "p" or "s", as the case may be.

(2) Section 13 of the said Act is amended by adding thereto the following subsection: s. 13, amended

(4) In the preparation of the assessment roll, the assessment commissioner, in determining the names and school support of those persons entitled to direct taxes for school support purposes, shall be guided by the index books provided for in the *Education Act* and by the list prepared and revised by him under section 15 of this Act. School support R.S.O. 1980, c. 129

ss. 14, 15, re-enacted

3. Sections 14 and 15 of the said Act are repealed and the following substituted therefor:

Census in "election year"

14.—(1) The assessment commissioner shall, commencing on the Tuesday following the first Monday of September and ending on the 30th day of September in each "election year" as defined in the *Municipal Elections Act* and in any other year in which the Minister considers it necessary, cause a census to be taken of the inhabitants of each municipality and locality in his assessment region, which shall include school support and such other information as may be prescribed by the Minister by regulation.

R.S.O. 1980, c. 308

Census in other years

(2) The assessment commissioner shall, commencing on the Tuesday following the first Monday of September and ending on the 30th day of September in every year in which a census is not taken under subsection (1), cause a census to be taken of the occupants of any domestic establishment that is,

(*a*) used or intended to be used as a residence by a tenant or lessee;

(*b*) separately assessed under this Act; and

(*c*) contained in a building having not less than seven such domestic establishments.

Alternative period for taking of census

(3) The Minister may by regulation require that, in any part of Ontario where a census under this section is to be taken, the census, instead of being taken during such period provided for in this section, shall be taken during such other period in the year as is specified in the regulation.

Census is enumeration

(4) The census taken under subsection (1) shall be the enumeration referred to in the *Municipal Elections Act*.

Annual school support list

15.—(1) The assessment commissioner shall, in each year, prepare a list showing the school support of every inhabitant who is entitled to direct taxes for school support purposes for each municipality or locality in the commissioner's assessment region and shall deliver the list to the clerk of the municipality and to the secretary of each school board in the municipality or the locality on or before the second Tuesday of October in each year.

How list to be prepared

(2) The list referred to in subsection (1) shall be prepared on the basis of the information contained in any census which has been completed by the assessment commissioner on or before the 30th day of September in that year and on the basis of any other information in respect of school support designation which has come to his notice in that year on or before such date.

SECTION 3. The amendment repeals sections 14 and 15 of the Act and replaces them with two new sections.

Subsection (1) of the new section 14 provides that a full census of all inhabitants will now be conducted by the assessment commissioner only in those years in which a regular municipal election is held, rather than annually.

Subsection (2) of the new section 14 provides that a limited census will be conducted in non-election years and it will include only those occupants of residential units which are situate in a multi-unit building containing seven or more residential units.

Subsection (3) provides that the Minister may make regulations to vary the time period specified in the Act during which a census may be conducted during any year.

Subsection (1) of the new section 15 provides that the assessment commissioner is to prepare an annual school support list and to forward the list to the clerk of the municipality and to each school board in the region.

Subsection (2) provides that the school support list is to be prepared on the basis of the census conducted in that year and on the basis of any other information in respect of school support which has been brought to the notice of the assessment commissioner on or before the 30th day of September in that year.

Subsection (3) provides that the school support list is to be open to public inspection in the office of the assessment commissioner and in the office of the clerk of the municipality.

Subsection (4) empowers the Minister to make regulations prescribing the forms and procedures to be used by the assessment commissioner for revision of the school support list.

Subsection (5) provides that any person wishing to amend the information shown on the school support list must apply to the assessment commissioner to have the list amended.

Subsection (6) provides for the form which is to be used when applying for an amendment to the school support list and it also provides that where a person declares himself to be a Roman Catholic and a separate school supporter on the form, this shall be accepted as *prima facie* evidence that he is a separate school supporter.

Subsection (7) provides that where the assessment commissioner approves an application requesting an amendment, he is to signify his approval on the application form.

Subsection (8) provides that the assessment commissioner is to forward to each school board in his region a copy of any application form which he has approved.

Subsection (9) provides that where the assessment commissioner refuses an application for amendment before he has mailed out assessment notices, he is to notify the applicant of his refusal and to advise the applicant of his right to appeal to the Assessment Review Court from his notice of assessment.

List open to public

(3) The list referred to in subsection (1) shall, immediately after being delivered to the clerk, be open to inspection during office hours in the office of both the assessment commissioner and the clerk.

Regulations by Minister

(4) The Minister may make regulations prescribing the forms and procedures to be used by the assessment commissioner for revision of the list.

Application to enter name in list or correct information

(5) Subject to subsection (12), a person whose name has not been included in the list or whose name has been included in the list but the information relating to him as set out therein is incorrect, may apply either personally or by his agent authorized in writing to the assessment commissioner for his region before the day fixed for the return of the assessment roll to have his name included in the list or to have such information corrected.

Application form

(6) Every person applying under this section for the inclusion or alteration of his school support on the list shall either personally or by his authorized agent complete and sign an application in the form prescribed by the Minister and where the application indicates that the person is a Roman Catholic and a separate school supporter, the assessment commissioner shall accept the application as *prima facie* evidence for placing the person on the list as a separate school supporter.

Approval of application

(7) If the assessment commissioner is satisfied that the inclusion or alteration requested in an application made to him under subsection (6) should be made, he shall approve the application by so indicating over his signature on the application.

Copy of approved application to secretary of school board

(8) Where the assessment commissioner includes or alters the school support of a person who has applied to him under subsection (6), he shall deliver a copy of the approved application to the secretary of each school board in the municipality or locality in which the applicant is entitled to direct taxes for school support.

Refusal to approve application

(9) Subject to subsection (10), if in the opinion of the assessment commissioner, the statements made by an applicant in his application under this section do not show that the applicant is entitled to have the list amended as requested, he shall inform the applicant in writing that his application is refused, that the school support of the applicant as designated on the list prepared under this section will be confirmed on the notice of assessment to which the applicant is entitled under section 30 and that the applicant may, upon receipt of the notice of assessment, appeal the school support designation as confirmed by the assessment commissioner to the Assessment Review Court under section 39.

Application considered after delivery of notice of assessment

(10) Where an application under this section has been received by the assessment commissioner before the day fixed for the return of the roll but has not been considered by him until after the delivery of the notice of assessment provided for in section 30, the assessment commissioner shall, if he refuses such application, inform the applicant in writing that the inclusion or amendment requested in the application is refused and that an appeal may be taken by appealing to the Assessment Review Court the applicant's school support designation as shown on the notice of assessment delivered under section 30 but, where the assessment commissioner approves the application, he shall deliver to the applicant an amended notice of assessment.

Final revision of list

(11) Upon determination of all applications for revision of the list for a municipality or locality filed before the day fixed for the return of the assessment roll, the assessment commissioner shall make a final revision of the list to reflect the determination.

Application delvered to clerk

(12) The application form referred to in subsection (6) may, no later than fourteen days prior to the day fixed for the return of the roll, be delivered to the office of the clerk of the municipality in which an applicant is entitled to direct taxes for school support rather than to the office of the assessment commissioner and the clerk shall immediately, and in any event not later than the day before the day fixed for the return of the roll, deliver the application to the assessment commissioner.

s. 30 (1), re-enacted

4. Subsection 30 (1) of the said Act is repealed and the following substituted therefor:

Notice of assessment

(1) The assessment commissioner or an assessor shall, at least fourteen days prior to the completion of the assessment roll, deliver in the manner provided in this section to every person named therein a notice in a form approved by the Minister showing,

(*a*) the sum or sums for which such person has been assessed;

(*b*) whether such person is a public or separate school supporter; and

(*c*) such other particulars as are directed by the Minister to be shown in the notice,

and the assessment commissioner or assessor shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate and certificates are *prima facie* evidence of the delivery.

Subsection (10) provides that where an application to amend school support is received after assessment notices have been mailed, the assessment commissioner is to notify the applicant of his right to appeal if the application for amendment is refused and, where the application is accepted, he is to deliver to the applicant an amended assessment notice and to alter the assessment roll.

SECTION 4. The proposed amendment provides for the setting-out of school support designation in the notice of assessment, and provides that the form of the notice of assessment is to be determined by the Minister and shall also contain the amount at which a person is assessed and such other information as the Minister directs concerning the assessment of which notice is given. The subsection to be repealed by the amendment reads:

> *(1) The assessment commissioner or an assessor, shall, at least fourteen days prior to the completion of the assessment roll, deliver in the manner provided in this section to every person named therein a notice in a form prescribed by the regulations of the sum or sums for which such person has been assessed and such other particulars as are mentioned in the prescribed form, and shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate and certificates are prima facie evidence of the delivery.*

SECTION 5. The purpose of the amendment is to allow the Lieutenant Governor in Council by regulation to fix a higher rate than 6 per cent for the interest to be paid by a municipality that fails to pay, by the end of the year in which it is raised, the levy to be collected by the municipality for a school board. The Act now limits the rate for delayed payment to 6 per cent per annum.

SECTION 6. The words to be added by the amendment will provide that municipal taxes are to be adjusted only when the appeal of an assessment is finally determined. This will avoid an interim adjustment of taxes on the basis of a decision that may subsequently be overturned or altered on appeal.

SECTION 7. The amendment in subsection 7 (1) of the Bill provides that an assessed person is now entitled to appeal his school support designation to the Assessment Review Court. Furthermore, a municipality or a school board will be entitled to appeal the school support designation shown on a person's notice of assessment.

The new subsection (*2a*) provides that a person's school support is to be determined in accordance with his circumstances, determined at the time an appeal is commenced to the Assessment Review Court.

The subsections to be repealed now read as follows:

(1) Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll or as having been assessed too low or too high by the assessor in the roll, may personally or by his agent give notice in writing to the regional registrar of the Assessment Review Court that he considers himself aggrieved for any or all of such causes, and shall give a name and address where notices can be served by the regional registrar as provided by subsection (4).

(2) Any person including a municipality or a school board may, within the time limited by subsection (3), give notice in writing,

(a) to the regional registrar of the Assessment Review Court; and

(b) to any other person whose assessment is complained of,

complaining that any other person has been assessed too low or too high or has been wrongly inserted or omitted from the roll and shall give a name and address where notices can be served on him and on any such other person by the regional registrar as provided by subsection (4), and the matter shall be decided in the same manner as complaints by a person assessed with regard to his own assessment.

5. Clause 34 (3) (*b*) of the said Act is amended by inserting after "per annum" in the eleventh line "or at such higher rate as may from time to time be prescribed by the Lieutenant Governor in Council by regulation for the purpose of this clause". s. 34 (3) (*b*), amended

6. Subsection 36 (6) of the said Act is repealed and the following substituted therefor: s. 36 (6), re-enacted

(6) No assessment shall be increased, reduced or otherwise altered until all complaints, appeals or other proceedings concerning the assessment have been finally determined and disposed of, and where the result of the final determination and disposition of such complaints, appeals or other proceedings increases, reduces or otherwise alters the assessment, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and any overpayment resulting from such adjustment shall be refunded by the municipality. Adjustment of taxes as a result of appeal

7.—(1) Subsections 39 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 39 (1, 2), re-enacted

(1) Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll, as having been assessed too low or too high in the roll or as having been wrongfully placed upon or omitted from the roll as a public or separate school supporter, may personally or by his agent give notice in writing to the regional registrar of the Assessment Review Court that he considers himself aggrieved for any or all of such causes, and shall give a name and address where notices can be served by the regional registrar as provided by subsection (4). Notice of complaint, by person aggrieved

(2) Any person including a municipality or a school board may, within the time limited by subsection (3), give notice in writing, by other person

(*a*) to the regional registrar of the Assessment Review Court; and

(*b*) to any other person whose assessment is complained of,

complaining that any other person has been wrongly inserted or omitted from the roll, has been assessed too low or too high or has been wrongly placed upon or omitted from the roll as a public or separate school supporter and shall give a name and address where notices can be served on him and on any such other person by the regional registrar as provided by subsection (4), and the matter shall be decided in the same manner as complaints by a person assessed with regard to his own assessment.

Time for determination of school support

(2*a*) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the notice of complaint was given.

s. 39 (12) (*a*), amended

(2) Clause 39 (12) (*a*) of the said Act is amended by inserting after "court" in the second line "from which no appeal is taken".

s. 39 (12) (*b*), re-enacted

(3) Clause 39 (12) (*b*) of the said Act is repealed and the following substituted therefor:

(*b*) where data processing equipment is used and as an alternative to complying with clause (*a*), cause to be prepared a new assessment roll which shall include all changes that have been made by the court and from which no appeal is taken and shall initial each entry so changed and shall complete the roll by totalling the amounts of the assessments therein and inserting such total.

s. 46 (1), amended

8. Subsection 46 (1) of the said Act is amended by inserting after "shall" in the third line "except where an appeal from the decision is commenced".

s. 47 (10), amended

9. Subsection 47 (10) of the said Act is amended by inserting after "shall" in the fifth line "except where an appeal from the decision is commenced".

s. 50 (1), amended

10.—(1) Subsection 50 (1) of the said Act is amended by striking out "wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum" in the sixth, seventh and eighth lines and inserting in lieu thereof "wrongly placed upon or omitted from the assessment roll, assessed at too high or too low a sum, or wrongly placed upon or omitted from the roll as a public or separate school supporter".

s. 50 (5), re-enacted

(2) Subsection 50 (5) of the said Act is repealed and the following substituted therefor:

Final revision of roll not to be delayed

(5) The appeal from any judgment given by the Supreme Court or by a county court on an originating notice given under this section or the hearing or argument or other proceedings thereon shall not delay the final revision of the assessment roll, but when such appeal is finally determined and disposed of, the clerk of the municipality shall cause the proper entries to be made in the assessment roll to give effect to such final determination and disposition.

The amendments in subsections 7 (2) and (3) of the Bill provide for the alteration of the assessment roll to reflect only changes made by the Assessment Review Court where no appeal is taken to a higher tribunal or court.

SECTION 8. The amendment provides that the assessment roll is not to be altered where a decision of a county court judge is appealed.

SECTION 9. This section of the Bill provides that the assessment roll is not to be altered as the result of a decision of the Ontario Municipal Board if that decision is being appealed.

SECTION 10.—Subsection 1. The amendment provides that an application to the Supreme Court of Ontario may not be made with respect to a person's school support designation as shown on the assessment roll.

The subsection to be amended now reads:

(1) The municipal corporation, assessment commissioner or any person assessed may apply by originating notice to the Supreme Court or to the county court of the county in which the assessment is made for the determination of any question relating to the assessment, except a question as to persons alleged to be wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum.

Subsection 2. The re-enactment of subsection 50 (5) of the Act reflects amendments found earlier in the Bill providing for the alteration of the assessment roll only after the final determination of the appeal of an assessment.

SECTIONS 11 AND 12. The amendments proposed to sections 52 and 54 of the Act reflect amendments found earlier in the Bill providing for the alteration of the assessment roll only after the final determination of the appeal of an assessment.

SECTION 13. The amendment proposed in section 13 adds a new clause (*h*) to subsection 63 (1) of the Act in order to continue present levels of assessment for the year 1981 and to postpone to December, 1982, the return of assessments at market value.

SECTION 14. The amendment provides that, where residential rental premises are converted to condominium ownership, the benefit of the reduced assessment provided for in subsection 65 (2) of the Act will not apply until the condominium unit in the premises is sold to an individual and occupied by him or members of his family as a residence. If, having been converted to condominium ownership, property that was formerly residential rental premises continues to be rented, it will be assessed at the level of assessment of similar rental property in the vicinity to which subsection 65 (2) of the Act is not applicable. The amendment will apply to conversions to condominium ownership that have taken place in the past where the units continue to be rented, and will apply to conversions that take place in the future so long as the units continue to be rented.

11. Section 52 of the said Act is amended by inserting after "shall" in the sixth line "where the judgment is not appealed". s. 52, amended

12. Section 54 of the said Act is repealed and the following substituted therefor: s. 54, re-enacted

54. Any business assessment based on the assessed value of real property shall be altered in the assessment roll by the clerk of the municipality to conform with alterations made in the assessment roll to such real property assessment. Alteration of business assessment

13. Subsection 63 (1) of the said Act is amended, s. 63 (1), amended

(*a*) by striking out "and" at the end of clause (*f*);

(*b*) by adding "and" at the end of clause (*g*); and

(*c*) by striking out all that part of the subsection immediately following clause (*g*) and inserting in lieu thereof:

"(*h*) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1981 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1980 for taxation in the year 1981 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1982 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1981 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property."

14. Section 65 of the said Act is amended by adding thereto the following subsection: s. 65, amended

(3) Notwithstanding subsection (2), where a unit or proposed unit within the meaning of the *Condominium Act* was, before it became such unit or proposed unit, part of a building the suites or apartments in which were rented to a tenant or tenants for residential accommodation, subsection (2) ceases to apply to such unit or proposed unit until it is sold to an individual or individuals who acquire and occupy it as his or their residence or that of members of his or their families, and until so sold and occupied, such unit or proposed unit shall be assessed at the level of assessment of similar rental property in the vicinity to which subsection (2) is not applicable. Conversion of rental property to condominium R.S.O. 1980, c. 84

s. 68, re-enacted

15. Section 68 of the said Act is repealed and the following substituted therefor:

Application

68. Section 65 ceases to be in force on the 21st day of December, 1982, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1982.

s. 69, re-enacted

16. Section 69 of the said Act is repealed and the following substituted therefor:

Application

69. Subject to section 70, subsection 24 (6) is not in force and remains inoperative until the 1st day of January, 1982.

R.S.O. 1980, c. 129, s. 1 (1), par. 61, amended

17. Paragraph 61 of subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by striking out "or" at the end of subparagraph i and by striking out subparagraph ii and inserting in lieu thereof:

ii. who is shown as a separate school supporter on the school support list as prepared or revised by the assessment commissioner under section 15 of the *Assessment Act*, or

iii. who is declared to be a separate school supporter as a result of a final decision rendered in proceedings commenced under the *Assessment Act*,

. . . . . .

R.S.O. 1980, c. 129, s. 112 (3), amended

18. Subsection 112 (3) of the said Act is amended by striking out "under subsections 374 (3) to (14) of the *Municipal Act*" in the fourth and fifth lines and inserting in lieu thereof "under section 15 of the *Assessment Act*".

R.S.O. 1980, c. 129, s. 119, amended

19. Section 119 of the said Act is amended by adding thereto the following subsection:

Exemption from public school rates for other separate school supporters

(2*a*) Every person paying rates in a separate school zone on property that he occupies as owner or tenant or on unoccupied property that he owns, who in the year becomes a separate school supporter within the meaning of subparagraph ii or iii of paragraph 61 of subsection 1 (1), is exempt from the payment of all rates imposed on such property in the separate school zone for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

SECTION 15. The amendment is consequential on the amendment proposed in section 13 of the Bill to postpone to December, 1982, the return of assessments at market value.

SECTION 16. The amendment is consequential on the amendment contained in section 13 of the Bill to postpone to December, 1982, the return of assessments at market value.

SECTION 17. The amendment expands the definition of "separate school supporter" in the *Education Act* to include those persons who are shown as separate school supporters on the new school support list to be prepared by the assessment commissioner. The definition will also include those persons who appeal their school support designation and who are declared to be separate school supporters by any court or tribunal as a result of proceedings commenced under the *Assessment Act*.

The paragraph of the *Education Act* to be amended now reads:

61. "separate school supporter" means a Roman Catholic ratepayer,

i. in respect of whom notice of school support has been given in accordance with section 119 and notice of withdrawal of support has not been given under section 120, or

ii. who has directed education taxes to the support of separate schools by confirming or revising an enumeration notice in accordance with section 14 of the Assessment Act and the regulations made thereunder.

and includes the Roman Catholic spouse of such ratepayer.

SECTION 18. The amendment is consequential on earlier amendments which transfer the duties of preparing a school support list from the clerk of the municipality to the assessment commissioner.

The subsection of the *Education Act* to be amended now reads:

(3) In respect of territory without municipal organization referred to in subsection (2) that is part of a school division, the secretary of the board of the school division shall exercise the powers and perform the duties of the clerk of a municipality under subsections 374 (3) to (14) of the Municipal Act for the purposes of the district combined separate school board.

SECTION 19. The new subsection to be added to section 119 of the *Education Act* provides that those persons who are included as "separate school supporters" by virtue of earlier amendments made to that definition will be exempt from paying taxes for public school purposes for the following year.

SECTION 20. The amendment is consequential on earlier amendments made transferring school support duties from the clerk to the assessment commissioner.

The section of the *Education Act* to be amended now reads:

(1) If it appears to the council of any municipality after the final revision of the list supplied to the clerk under section 14 of the Assessment Act that through mistake or inadvertence a ratepayer has been entered on the list either as a supporter of separate schools or as a supporter of public schools, the council after due inquiry and notice may correct the error by directing the school taxes of the ratepayer to be paid to the proper school board, but the council is not competent to reverse the decision of the Assessment Review Court, a judge, the Ontario Municipal Board or the Divisional Court on appeal.

SECTION 21. The amendment is consequential on earlier amendments transferring from the clerk to the assessment commissioner the duties with respect to the preparation and revision of the school support list.

The section of the *Education Act* to be amended now reads:

126.—(1) A corporation by notice (Form 2) to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under the Assessment Act, to be entered, rated and assessed for the purposes of the separate school.

(2) The clerk shall thereupon enter the corporation as a separate school supporter in the collector's roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

(3) Unless all the stock or shares are held by Roman Catholics, the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

(4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly.

20. Subsection 123 (1) of the said Act is amended by striking out "If it appears to the council of any municipality after the final revision of the list supplied to the clerk under section 14 of the *Assessment Act* that through mistake or inadvertence a ratepayer has been entered on the list" in the first, second, third and fourth lines and inserting in lieu thereof "If, after the return of the assessment roll, it appears to the council of any municipality that through mistake or inadvertence a ratepayer has been entered on the list prepared by the assessment commissioner under section 15 of the *Assessment Act*". R.S.O. 1980, c. 129, s. 123 (1), amended

21. Section 126 of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 129, s. 126, re-enacted

126.—(1) A corporation by notice in a prescribed form to the assessment commissioner for the region wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under the *Assessment Act*, to be entered, rated and assessed for the purposes of the separate school. Right of corporation to support separate schools R.S.O. 1980, c. 31

(2) The assessment commissioner shall thereupon forward a copy of such notice to the clerk of the municipality in which the land referred to in the said notice is situate. Copy of notice to clerk

(3) Upon receipt of such notice, the assessment commissioner shall enter the corporation on the assessment roll to be next returned as a separate school supporter with respect to the land and business or other assessments designated in the notice, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. Duty of assessment commissioner

(4) The clerk, upon receipt of such notice from the assessment commissioner, shall enter the corporation as a separate school supporter in the collector's roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. Duty of clerk

How proportions settled

(5) Unless all the stock or shares are held by Roman Catholics, the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

Effect of notice

(6) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the assessment commissioner shall so notify the corporation and mark the notice accordingly.

Filing notice

(7) Every notice so given shall be kept by the assessment commissioner in his office, and shall at all convenient hours be open to inspection and examination.

Search for notices

(8) The assessment commissioner shall in each year, before the final revision of the list prepared under section 15, search for and examine all notices that may be so on file.

R.S.O. 1980, c. 226, s. 1 (*c*), re-enacted

22. Clause 1 (*c*) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(*c*) "Director of Assessment" means the Director of Data Services and Development Branch of the Assessment Programme of the Ministry of Revenue or such other officer as the Minister of Revenue designates.

R.S.O. 1980, c. 302, s. 374 (3-15), repealed

23. Subsections 374 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14) and (15) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed.

R.S.O. 1980, c. 308, s. 92 (4, 5), re-enacted

24. Subsections 92 (4) and (5) of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

List of electors

(4) Subject to subsection (5), the preliminary list to be used in the year in which a new election is held shall be,

(*a*) where the new election is held prior to the 3rd day of November, the polling list prepared for an election held in the immediately preceding year in that polling subdivision but if no election was held in such preceding year in that polling subdivision, a list of electors prepared by the assessment commissioner based on the census conducted in that preceding year together with

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect a collector's roll.

(6) The clerk shall in each year, before the final revision of the list supplied to the clerk under section 14 of the Assessment Act, search for and examine all notices that may be so on file and shall follow and conform thereto and to the provisions of this Act.

SECTION 22. The amendment redefines the term "Director of Assessment" in the *Juries Act* to reflect changes made to the structure of the assessment division of the Ministry.

The clause of the *Juries Act* to be amended now reads:

(c) "Director of Assessment" means the Executive Director of the Assessment Division of the Ministry of Revenue.

SECTION 23. The amendment repeals those sections of the *Municipal Act* involving preparation of a school support list by the clerk as this function is transferred to the assessment commissioner by earlier amendments in the Bill.

The subsections of the *Municipal Act* to be repealed now read:

(3) Subject to subsection (15), in ascertaining the names and school support of all persons assessed for the purpose of preparation of the collector's roll, the clerk, in addition to the index book provided for by section 122 of the Education Act, shall be guided by the list supplied to him under section 14 of the Assessment Act, as revised and certified.

(4) The Minister may make regulations prescribing the forms and procedures to be used by the clerk for revision and certification of the list supplied to him under section 14 of the Assessment Act.

(5) A person whose name has not been included in the list or whose name has been included in the list but the information relating to him set out therein is incorrect may apply either personally or by his agent authorized in writing to the clerk of the municipality on or before the last day for filing complaints for revision of the list to have his name included in the list or to have such information corrected.

(6) Every person applying under this section for an alteration of his school support as shown on the list shall either personally or by his authorized agent sign an application in the prescribed form in which all of the information required by the form shall be sufficiently filled in, either by the applicant or his authorized agent or by the clerk at the request of the applicant or of his authorized agent and, before correcting the list, the clerk shall satisfy himself that the applicant or his authorized agent, as the case may be, understands the effect of the statements in the application and that he is entitled to have the list corrected pursuant to his request.

(7) When the language of an applicant under this section is not understood by the clerk, an interpreter provided by the applicant may be sworn and may act, but in the event of inability to secure an interpreter, the application may be refused.

(8) If it appears to the clerk that an applicant under this section understands the effect of the statements in the application and that the amendment that he requests should be made, he shall certify accordingly by signing the application.

(9) If, in the opinion of the clerk, the statements made by an applicant in his application under this section do not show that the applicant is entitled to have the list amended as requested, he shall inform the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form.

(10) In the years in which municipal elections are held, determination of complaints for revision of the list shall be completed at the same date as completion of determination of complaints for revision of the preliminary list of electors under the Municipal Elections Act but in the years in which municipal elections are not held, the last day for filing and determining complaints shall be the second Friday of November in the year in which the complaints are made.

(11) Where, following a complaint, a change is made in the list, the clerk shall ensure that where applicable the like change is made in the preliminary list of electors and the clerk shall also ensure that the list reflects, where applicable, changes made in the preliminary list of electors.

(12) Upon determination of all complaints for revision of the list for a municipality filed on or before the last day for filing complaints for revision thereof, the clerk shall compile a statement of changes to the list, which shall include the assessment roll number of each change, and shall send a copy of such statement to the assessment commissioner and to the secretary of each school board in the municipality, and in lieu of the statement of changes the clerk may forward copies of applications in the prescribed form referred to in subsection (6).

(13) After compilation of the statement of changes, the clerk shall amend the list in accordance with the statement and shall certify the list as so revised, notwithstanding any appeals that have been or may be made to the Assessment Review Court.

(14) The applicant personally or by his agent authorized in writing, may appeal to the Assessment Review Court from the refusal of the clerk to amend the list by sending notice of appeal to the regional registrar of the Assessment Review Court within fourteen days of the date of refusal of the application by the clerk and the Assessment Review Court shall hear and decide all appeals under this subsection not later than the 31st day of December in the year in which the appeal is made.

any revisions made thereto as of the 30th day of September in such preceding year; or

(*b*) where the new election is held on or after the 3rd day of November, a list of electors prepared by the assessment commissioner based on the census conducted by him in that year together with any revisions which have come to his notice as of the 30th day of September in that year,

provided that any list referred to in clause (*a*) or (*b*) shall be subject to revision as if it were a preliminary list of electors and sections 24 to 30 shall apply thereto with necessary modifications to the printing or reproduction.

Rules for list of electors

(5) Where a,

(*a*) new election is required under clause 38 (1) (*a*), 38 (2) (*b*) or subsection 40 (4), the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the Thursday following the polling day for the last regular election;

(*b*) new election is required under section 111, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the receipt by the clerk of the municipality of the copy of the judgment under subsection 111 (6);

(*c*) vacancy otherwise occurs and the council of the municipality or a school board for which the clerk is required to hold elections requires an election to be held to fill the vacancy, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the directive, by-law or notice specified in clause (1) (*a*), (*b*) or (*c*); and

(*d*) by-law or question is to be submitted to the electors, the period during which a person may qualify as an elector entitled to vote on the by-law or question, as the case may be, shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the order of the Ontario Municipal Board given under section 132 of the *Municipal Act*.

R.S.O. 1980, c. 302

Commencement

25.—(1) This Act, except sections 2 to 4, sections 6 to 21 and sections 23 and 24, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6, subsections 7 (2) and (3), sections 8 and 9, subsection 10 (2) and sections 11 and 12 shall be deemed to have come into force on the 15th day of October, 1981 and apply to every complaint, appeal, action or other proceeding in respect of an assessment under this Act where such complaint, appeal, action or other proceeding is,

(*a*) pending before any court or tribunal on the 15th day of October, 1981;

(*b*) capable of being appealed to any court or tribunal on the 15th day of October, 1981; or

(*c*) commenced on or after the 15th day of October, 1981.

Idem

(3) Sections 2 to 4, subsection 7 (1), subsection 10 (1), sections 17 to 21 and section 23 come into force on the 1st day of November, 1981.

Idem

(4) Sections 13, 15 and 16 come into force on the 1st day of December, 1981.

Idem

(5) Section 14 comes into force on the 1st day of December, 1981 and applies in respect of every assessment for taxation in the year 1982 and subsequent years of any unit or proposed unit within the meaning of the *Condominium Act*, whether such unit or proposed unit was or is created before or after that date.

R.S.O. 1980, c. 84

Idem

(6) Section 24 comes into force on the 1st day of January, 1982.

Short title

26. The short title of this Act is the *Assessment Amendment Act, 1981*.

(15) Where the census is taken under section 15 of the Assessment Act in any local municipality, for the purposes of this section, the assessment commissioner shall supply to the clerk of such local municipality a list for school support purposes and such list shall be deemed to be the list required by section 14 of the said Act, and shall be subject to revision at the same time as lists prepared under such section 14, and the provisions of subsections (3) to (14) apply with necessary modifications.

SECTION 24. The amendment deals with the provision of preliminary lists for a new election in a year other than that in which the regular municipal elections take place. The amendment is consequential on the changes to the enumeration procedure made earlier in the Bill.

An Act to amend the Assessment Act

1st Reading

October 13th, 1981

2nd Reading

3rd Reading

THE HON. G. L. ASHE
Minister of Revenue

(*Government Bill*)

1981

BILL 142

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Assessment Act

The Hon. G. L. Ashe
Minister of Revenue

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

BILL 142 1981

An Act to amend the Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 (1) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 2 (1), amended

(*e*) prescribing additional information to be included in the census to be taken by the assessment commissioner.

(2) Section 2 of the said Act is amended by adding thereto the following subsection: s. 2, amended

(2*a*) The Lieutenant Governor in Council may make regulations prescribing for the purposes of clause 34 (3) (*b*) a higher rate of interest than 6 per cent. Idem

2.—(1) Subsection 13 (1) of the said Act is amended by adding thereto the following paragraphs: s. 13 (1), amended

17. Religion, if Roman Catholic.

18. Whether a public or separate school supporter, by inserting the letter "p" or "s", as the case may be.

(2) Section 13 of the said Act is amended by adding thereto the following subsection: s. 13, amended

(4) In the preparation of the assessment roll, the assessment commissioner, in determining the names and school support of those persons entitled to direct taxes for school support purposes, shall be guided by the index books provided for in the *Education Act* and by the list prepared and revised by him under section 15 of this Act. School support R.S.O. 1980, c. 129

ss. 14, 15, re-enacted

3. Sections 14 and 15 of the said Act are repealed and the following substituted therefor:

Census in "election year"

14.—(1) The assessment commissioner shall, commencing on the Tuesday following the first Monday of September and ending on the 30th day of September in each "election year" as defined in the *Municipal Elections Act* and in any other year in which the Minister considers it necessary, cause a census to be taken of the inhabitants of each municipality and locality in his assessment region, which shall include school support and such other information as may be prescribed by the Minister by regulation.

R.S.O. 1980, c. 308

Census in other years

(2) The assessment commissioner shall, commencing on the Tuesday following the first Monday of September and ending on the 30th day of September in every year in which a census is not taken under subsection (1), cause a census to be taken of the occupants of any domestic establishment that is,

(*a*) used or intended to be used as a residence by a tenant or lessee;

(*b*) separately assessed under this Act; and

(*c*) contained in a building having not less than seven such domestic establishments.

Alternative period for taking of census

(3) The Minister may by regulation require that, in any part of Ontario where a census under this section is to be taken, the census, instead of being taken during such period provided for in this section, shall be taken during such other period in the year as is specified in the regulation.

Census is enumeration

(4) The census taken under subsection (1) shall be the enumeration referred to in the *Municipal Elections Act*.

Annual school support list

15.—(1) The assessment commissioner shall, in each year, prepare a list showing the school support of every inhabitant who is entitled to direct taxes for school support purposes for each municipality or locality in the commissioner's assessment region and shall deliver the list to the clerk of the municipality and to the secretary of each school board in the municipality or the locality on or before the second Tuesday of October in each year.

How list to be prepared

(2) The list referred to in subsection (1) shall be prepared on the basis of the information contained in any census which has been completed by the assessment commissioner on or before the 30th day of September in that year and on the basis of any other information in respect of school support designation which has come to his notice in that year on or before such date.

List open to public

(3) The list referred to in subsection (1) shall, immediately after being delivered to the clerk, be open to inspection during office hours in the office of both the assessment commissioner and the clerk.

Regulations by Minister

(4) The Minister may make regulations prescribing the forms and procedures to be used by the assessment commissioner for revision of the list.

Application to enter name in list or correct information

(5) Subject to subsection (12), a person whose name has not been included in the list or whose name has been included in the list but the information relating to him as set out therein is incorrect, may apply either personally or by his agent authorized in writing to the assessment commissioner for his region before the day fixed for the return of the assessment roll to have his name included in the list or to have such information corrected.

Application form

(6) Every person applying under this section for the inclusion or alteration of his school support on the list shall either personally or by his authorized agent complete and sign an application in the form prescribed by the Minister and where the application indicates that the person is a Roman Catholic and a separate school supporter, the assessment commissioner shall accept the application as *prima facie* evidence for placing the person on the list as a separate school supporter.

Approval of application

(7) If the assessment commissioner is satisfied that the inclusion or alteration requested in an application made to him under subsection (6) should be made, he shall approve the application by so indicating over his signature on the application.

Copy of approved application to secretary of school board

(8) Where the assessment commissioner includes or alters the school support of a person who has applied to him under subsection (6), he shall deliver a copy of the approved application to the secretary of each school board in the municipality or locality in which the applicant is entitled to direct taxes for school support.

Refusal to approve application

(9) Subject to subsection (10), if in the opinion of the assessment commissioner, the statements made by an applicant in his application under this section do not show that the applicant is entitled to have the list amended as requested, he shall inform the applicant in writing that his application is refused, that the school support of the applicant as designated on the list prepared under this section will be confirmed on the notice of assessment to which the applicant is entitled under section 30 and that the applicant may, upon receipt of the notice of assessment, appeal the school support designation as confirmed by the assessment commissioner to the Assessment Review Court under section 39.

Application considered after delivery of notice of assessment

(10) Where an application under this section has been received by the assessment commissioner before the day fixed for the return of the roll but has not been considered by him until after the delivery of the notice of assessment provided for in section 30, the assessment commissioner shall, if he refuses such application, inform the applicant in writing that the inclusion or amendment requested in the application is refused and that an appeal may be taken by appealing to the Assessment Review Court the applicant's school support designation as shown on the notice of assessment delivered under section 30 but, where the assessment commissioner approves the application, he shall deliver to the applicant an amended notice of assessment.

Final revision of list

(11) Upon determination of all applications for revision of the list for a municipality or locality filed before the day fixed for the return of the assessment roll, the assessment commissioner shall make a final revision of the list to reflect the determination.

Application delvered to clerk

(12) The application form referred to in subsection (6) may, no later than fourteen days prior to the day fixed for the return of the roll, be delivered to the office of the clerk of the municipality in which an applicant is entitled to direct taxes for school support rather than to the office of the assessment commissioner and the clerk shall immediately, and in any event not later than the day before the day fixed for the return of the roll, deliver the application to the assessment commissioner.

s. 30 (1), re-enacted

4. Subsection 30 (1) of the said Act is repealed and the following substituted therefor:

Notice of assessment

(1) The assessment commissioner or an assessor shall, at least fourteen days prior to the completion of the assessment roll, deliver in the manner provided in this section to every person named therein a notice in a form approved by the Minister showing,

(*a*) the sum or sums for which such person has been assessed;

(*b*) whether such person is a public or separate school supporter; and

(*c*) such other particulars as are directed by the Minister to be shown in the notice,

and the assessment commissioner or assessor shall enter in the roll opposite the name of the person the date of delivery of the notice or shall make one or more certificates to be attached to the roll or to any part of the roll certifying the date or dates upon which the notices were delivered, and the entry, certificate and certificates are *prima facie* evidence of the delivery.

5. Clause 34 (3) (*b*) of the said Act is amended by inserting after "per annum" in the eleventh line "or at such higher rate as may from time to time be prescribed by the Lieutenant Governor in Council by regulation for the purpose of this clause". s. 34 (3) (*b*), amended

6. Subsection 36 (6) of the said Act is repealed and the following substituted therefor: s. 36 (6), re-enacted

(6) No assessment shall be increased, reduced or otherwise altered until all complaints, appeals or other proceedings concerning the assessment have been finally determined and disposed of, and where the result of the final determination and disposition of such complaints, appeals or other proceedings increases, reduces or otherwise alters the assessment, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and any overpayment resulting from such adjustment shall be refunded by the municipality. Adjustment of taxes as a result of appeal

7.—(1) Subsections 39 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 39 (1, 2), re-enacted

(1) Any person complaining of an error or omission in regard to himself, as having been wrongly inserted in or omitted from the roll, as having been assessed too low or too high in the roll or as having been wrongfully placed upon or omitted from the roll as a public or separate school supporter, may personally or by his agent give notice in writing to the regional registrar of the Assessment Review Court that he considers himself aggrieved for any or all of such causes, and shall give a name and address where notices can be served by the regional registrar as provided by subsection (4). Notice of complaint, by person aggrieved

(2) Any person including a municipality or a school board may, within the time limited by subsection (3), give notice in writing, by other person

(*a*) to the regional registrar of the Assessment Review Court; and

(*b*) to any other person whose assessment is complained of,

complaining that any other person has been wrongly inserted or omitted from the roll, has been assessed too low or too high or has been wrongly placed upon or omitted from the roll as a public or separate school supporter and shall give a name and address where notices can be served on him and on any such other person by the regional registrar as provided by subsection (4), and the matter shall be decided in the same manner as complaints by a person assessed with regard to his own assessment.

Time for determination of school support

(2*a*) Liability in respect of public or separate school support shall be determined in accordance with the circumstances existing at the time the notice of complaint was given.

s. 39 (12) (*a*), amended

(2) Clause 39 (12) (*a*) of the said Act is amended by inserting after "court" in the second line "from which no appeal is taken".

s. 39 (12) (*b*), re-enacted

(3) Clause 39 (12) (*b*) of the said Act is repealed and the following substituted therefor:

(*b*) where data processing equipment is used and as an alternative to complying with clause (*a*), cause to be prepared a new assessment roll which shall include all changes that have been made by the court and from which no appeal is taken and shall initial each entry so changed and shall complete the roll by totalling the amounts of the assessments therein and inserting such total.

s. 46 (1), amended

8. Subsection 46 (1) of the said Act is amended by inserting after "shall" in the third line "except where an appeal from the decision is commenced".

s. 47 (10), amended

9. Subsection 47 (10) of the said Act is amended by inserting after "shall" in the fifth line "except where an appeal from the decision is commenced".

s. 50 (1), amended

10.—(1) Subsection 50 (1) of the said Act is amended by striking out "wrongfully placed upon or omitted from the assessment roll or assessed at too high or too low a sum" in the sixth, seventh and eighth lines and inserting in lieu thereof "wrongly placed upon or omitted from the assessment roll, assessed at too high or too low a sum, or wrongly placed upon or omitted from the roll as a public or separate school supporter".

s. 50 (5), re-enacted

(2) Subsection 50 (5) of the said Act is repealed and the following substituted therefor:

Final revision of roll not to be delayed

(5) The appeal from any judgment given by the Supreme Court or by a county court on an originating notice given under this section or the hearing or argument or other proceedings thereon shall not delay the final revision of the assessment roll, but when such appeal is finally determined and disposed of, the clerk of the municipality shall cause the proper entries to be made in the assessment roll to give effect to such final determination and disposition.

11. Section 52 of the said Act is amended by inserting after "shall" in the sixth line "where the judgment is not appealed". s. 52, amended

12. Section 54 of the said Act is repealed and the following substituted therefor: s. 54, re-enacted

54. Any business assessment based on the assessed value of real property shall be altered in the assessment roll by the clerk of the municipality to conform with alterations made in the assessment roll to such real property assessment. Alteration of business assessment

13. Subsection 63 (1) of the said Act is amended, s. 63 (1), amended

(*a*) by striking out "and" at the end of clause (*f*);

(*b*) by adding "and" at the end of clause (*g*); and

(*c*) by striking out all that part of the subsection immediately following clause (*g*) and inserting in lieu thereof:

"(*h*) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1981 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1980 for taxation in the year 1981 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1982 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1981 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property."

14. Section 65 of the said Act is amended by adding thereto the following subsection: s. 65, amended

(3) Notwithstanding subsection (2), where a unit or proposed unit within the meaning of the *Condominium Act* was, before it became such unit or proposed unit, part of a building the suites or apartments in which were rented to a tenant or tenants for residential accommodation, subsection (2) ceases to apply to such unit or proposed unit until it is sold to an individual or individuals who acquire and occupy it as his or their residence or that of members of his or their families, and until so sold and occupied, such unit or proposed unit shall be assessed at the level of assessment of similar rental property in the vicinity to which subsection (2) is not applicable. Conversion of rental property to condominium R.S.O. 1980, c. 84

s. 68, re-enacted

15. Section 68 of the said Act is repealed and the following substituted therefor:

Application

68. Section 65 ceases to be in force on the 21st day of December, 1982, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1982.

s. 69, re-enacted

16. Section 69 of the said Act is repealed and the following substituted therefor:

Application

69. Subject to section 70, subsection 24 (6) is not in force and remains inoperative until the 1st day of January, 1982.

R.S.O. 1980, c. 129, s. 1 (1), par. 61, amended

17. Paragraph 61 of subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by striking out "or" at the end of subparagraph i and by striking out subparagraph ii and inserting in lieu thereof:

ii. who is shown as a separate school supporter on the school support list as prepared or revised by the assessment commissioner under section 15 of the *Assessment Act*, or

iii. who is declared to be a separate school supporter as a result of a final decision rendered in proceedings commenced under the *Assessment Act*,

. . . . .

R.S.O. 1980, c. 129, s. 112 (3), amended

18. Subsection 112 (3) of the said Act is amended by striking out "under subsections 374 (3) to (14) of the *Municipal Act*" in the fourth and fifth lines and inserting in lieu thereof "under section 15 of the *Assessment Act*".

R.S.O. 1980, c. 129, s. 119, amended

19. Section 119 of the said Act is amended by adding thereto the following subsection:

Exemption from public school rates for other separate school supporters

(2*a*) Every person paying rates in a separate school zone on property that he occupies as owner or tenant or on unoccupied property that he owns, who in the year becomes a separate school supporter within the meaning of subparagraph ii or iii of paragraph 61 of subsection 1 (1), is exempt from the payment of all rates imposed on such property in the separate school zone for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

20. Subsection 123 (1) of the said Act is amended by striking out "If it appears to the council of any municipality after the final revision of the list supplied to the clerk under section 14 of the *Assessment Act* that through mistake or inadvertance a ratepayer has been entered on the list" in the first, second, third and fourth lines and inserting in lieu thereof "If, after the return of the assessment roll, it appears to the council of any municipality that through mistake or inadvertence a ratepayer has been entered on the list prepared by the assessment commissioner under section 15 of the *Assessment Act*". R.S.O. 1980, c. 129, s. 123 (1), amended

21. Section 126 of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 129, s. 126, re-enacted

126.—(1) A corporation by notice in a prescribed form to the assessment commissioner for the region wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under the *Assessment Act*, to be entered, rated and assessed for the purposes of the separate school. Right of corporation to support separate schools R.S.O. 1980, c. 31

(2) The assessment commissioner shall thereupon forward a copy of such notice to the clerk of the municipality in which the land referred to in the said notice is situate. Copy of notice to clerk

(3) Upon receipt of such notice, the assessment commissioner shall enter the corporation on the assessment roll to be next returned as a separate school supporter with respect to the land and business or other assessments designated in the notice, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. Duty of assessment commissioner

(4) The clerk, upon receipt of such notice from the assessment commissioner, shall enter the corporation as a separate school supporter in the collector's roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. Duty of clerk

How proportions settled

(5) Unless all the stock or shares are held by Roman Catholics, the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

Effect of notice

(6) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the assessment commissioner shall so notify the corporation and mark the notice accordingly.

Filing notice

(7) Every notice so given shall be kept by the assessment commissioner in his office, and shall at all convenient hours be open to inspection and examination.

Search for notices

(8) The assessment commissioner shall in each year, before the final revision of the list prepared under section 15, search for and examine all notices that may be so on file.

R.S.O. 1980, c. 226, s. 1 (*c*), re-enacted

22. Clause 1 (*c*) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(*c*) "Director of Assessment" means the Director of Data Services and Development Branch of the Assessment Programme of the Ministry of Revenue or such other officer as the Minister of Revenue designates.

R.S.O. 1980, c. 302, s. 374 (3-15), repealed

23. Subsections 374 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14) and (15) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed.

R.S.O. 1980, c. 308, s. 92 (4, 5), re-enacted

24. Subsections 92 (4) and (5) of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

List of electors

(4) Subject to subsection (5), the preliminary list to be used in the year in which a new election is held shall be,

(*a*) where the new election is held prior to the 3rd day of November, the polling list prepared for an election held in the immediately preceding year in that polling subdivision but if no election was held in such preceding year in that polling subdivision, a list of electors prepared by the assessment commissioner based on the census conducted in that preceding year together with

any revisions made thereto as of the 30th day of September in such preceding year; or

(*b*) where the new election is held on or after the 3rd day of November, a list of electors prepared by the assessment commissioner based on the census conducted by him in that year together with any revisions which have come to his notice as of the 30th day of September in that year,

provided that any list referred to in clause (*a*) or (*b*) shall be subject to revision as if it were a preliminary list of electors and sections 24 to 30 shall apply thereto with necessary modifications to the printing or reproduction.

(5) Where a, Rules for list of electors

(*a*) new election is required under clause 38 (1) (*a*), 38 (2) (*b*) or subsection 40 (4), the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the Thursday following the polling day for the last regular election;

(*b*) new election is required under section 111, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the receipt by the clerk of the municipality of the copy of the judgment under subsection 111 (6);

(*c*) vacancy otherwise occurs and the council of the municipality or a school board for which the clerk is required to hold elections requires an election to be held to fill the vacancy, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the directive, by-law or notice specified in clause (1) (*a*), (*b*) or (*c*); and

(*d*) by-law or question is to be submitted to the electors, the period during which a person may qualify as an elector entitled to vote on the by-law or question, as the case may be, shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the order of the Ontario Municipal Board given under section 132 of the *Municipal Act*. R.S.O. 1980, c. 302

Commencement

25.—(1) This Act, except sections 2 to 4, sections 6 to 21 and sections 23 and 24, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6, subsections 7 (2) and (3), sections 8 and 9, subsection 10 (2) and sections 11 and 12 shall be deemed to have come into force on the 15th day of October, 1981 and apply to every complaint, appeal, action or other proceeding in respect of an assessment under this Act where such complaint, appeal, action or other proceeding is,

(*a*) pending before any court or tribunal on the 15th day of October, 1981;

(*b*) capable of being appealed to any court or tribunal on the 15th day of October, 1981; or

(*c*) commenced on or after the 15th day of October, 1981.

Idem

(3) Sections 2 to 4, subsection 7 (1), subsection 10 (1), sections 17 to 21 and section 23 come into force on the 1st day of November, 1981.

Idem

(4) Sections 13, 15 and 16 come into force on the 1st day of December, 1981.

Idem

(5) Section 14 comes into force on the 1st day of December, 1981 and applies in respect of every assessment for taxation in the year 1982 and subsequent years of any unit or proposed unit within the meaning of the *Condominium Act*, whether such unit or proposed unit was or is created before or after that date.

R.S.O. 1980, c. 84

Idem

(6) Section 24 comes into force on the 1st day of January, 1982.

Short title

26. The short title of this Act is the *Assessment Amendment Act, 1981*.

An Act to amend the Assessment Act

1st Reading

October 15th, 1981

2nd Reading

November 12th, 1981

3rd Reading

November 12th, 1981

THE HON. G. L. ASHE
Minister of Revenue

BILL 143 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Environmental Protection Act

The Hon. K. C. Norton
Minister of the Environment

TORONTO
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Explanatory Notes

Section 1. New section 40*a* of the Act deals with the transfer of the ownership of waste at a waste disposal site.

Subsection 40*a* (1) states that the ownership of the waste is transferred to the operator of the site when the operator accepts the waste.

Subsection 40*a* (2) states that if the operator does not accept the waste, the ownership is deemed to be transferred to the operator immediately before the waste is deposited at the site.

Subsection 40*a* (3) states that subsections 40*a* (1) and (2) apply only where a certificate of approval or a provisional certificate of approval is in force with respect to the waste disposal site.

Subsection 40*a* (4) states that subsection 40*a* (1) applies only in the absence of a contract to the contrary.

Subsection 40*a* (5) limits the effect of subsections 40*a* (1) to (4) in relieving persons from liability.

Subsection 40*a* (6) deals with the situation where the operator of the site is not the owner of the land on which the site is located.

Section 2. New sections 47*a* to 47*h* of the Act provide for the seizing of the permit and the number plates issued under the *Highway Traffic Act* for any vehicle used in the commission of an offence in respect of hauled liquid industrial waste or hazardous waste.

BILL 143 1981

An Act to amend the Environmental Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 40*a*, enacted

40*a*.—(1) The ownership of waste that is accepted at a waste diposal site by the operator of the site is transferred to the operator upon acceptance. Ownership of waste

(2) Where waste is desposited but not accepted at a waste disposal site, the ownership of the waste shall be deemed to be transferred to the operator of the site immediately before the waste is deposited. Where waste not accepted

(3) Subsections (1) and (2) apply only in respect of a waste disposal site for which a certificate of approval or a provisional certificate of approval is in force. Certificate of approval

(4) Subsection (1) applies only in the absence of a contract to the contrary. Effect of contract

(5) Subsections (1) to (4) do not relieve any person from liability except liability as owner of waste that is delivered to and accepted by the operator of a waste disposal site in accordance with law including an applicable certificate of approval or provisional certificate of approval. Liability

(6) Where the operator of a waste disposal site is not the owner of the land on which the site is located, subsections (1) and (2) do not prevent the ownership of waste that is accepted or deposited at the site from being transferred to the owner of the land. Owner of land

2. The said Act is further amended by adding thereto the following sections: ss. 47*a*-47*h*, enacted

VEHICLE PERMITS

Interpretation

47*a*.—(1) In this section and in sections 47*b* to 47*h*,

(*a*) "hauled liquid industrial waste or hazardous waste" means hauled liquid industrial waste or hazardous waste as designated in the regulations relating to Part V;

(*b*) "number plates" means number plates issued under the *Highway Traffic Act*;

R.S.O. 1980, c. 198

(*c*) "offence" means offence under this Act or the regulations or under subsection 16 (1) of the *Ontario Water Resources Act*;

R.S.O. 1980, c. 361

(*d*) "permit" means permit issued under section 7 of the *Highway Traffic Act*;

(*e*) "Registrar" means Registrar of Motor Vehicles under the *Highway Traffic Act*.

Seizure of permit and number plates

(2) A police officer or a provincial officer may seize the permit and the number plates for a vehicle where he is of the opinion, upon reasonable and probable grounds,

(*a*) that the vehicle was used or is being used in the commission of an offence in respect of hauled liquid industrial waste or hazardous waste; and

(*b*) that the continued operation of the vehicle will result or is likely to result in,

(i) impairment of the quality of the natural environment for any use that can be made of it,

(ii) injury or damage to property or to plant or animal life,

(iii) harm or material discomfort to any person,

(iv) an adverse effect on the health of any person,

(v) impairment of the safety of any person, or

(vi) rendering any property or plant or animal life unfit for use by man.

Safekeeping

(3) The police officer or provincial officer,

The offence may be an offence under the *Environmental Protection Act* or under subsection 16 (1) of the *Ontario Water Resources Act*.

Hauled liquid industrial waste and hazardous waste are designated under the regulations. Regulation 824 of Revised Regulations of Ontario, 1970 contains these designations.

Where any person is convicted of an offence involving the use of the vehicle in respect of hauled liquid industrial waste or hazardous waste, the court is empowered to suspend the permit for the vehicle for up to five years from the day of the seizure of the permit. Where the permit and the number plates were issued outside Ontario, the court may order their return to the authority that issued them. The court may also order the seizure and suspension of a permit and number plates that were not previously seized but were used in the commission of such an offence.

Provision is made for the return of the permit and the number plates.

An order or refusal to issue an order may be appealed in the same manner as an appeal from a conviction or an acquittal in respect of an offence in relation to which the permit and number plates may be seized.

Where a fine is imposed upon conviction for the offence in respect of hauled liquid industrial waste or hazardous waste, the court may order the permit and number plates detained until the penalty is paid.

New section 47*f* makes it an offence for a person whose permit and number plates for a vehicle are under detention or suspension under these provisions to apply for or have in his possession a permit or number plates for the vehicle.

(*a*) shall deliver the permit and the number plates into the custody of the Registrar pending disposition as provided in sections 47*b* to 47*h*; and

(*b*) shall give notice to the Registrar of the date when the permit and the number plates were seized.

Notice by Registrar

(4) The Registrar shall give notice of the delivery into custody and of the date of the seizure to the person to whom the permit and the number plates were issued.

Suspension of permit and detention of number plates

47*b*.—(1) Where a person is convicted of an offence in respect of hauled liquid industrial waste or hazardous waste, the court may order the suspension of the permit and the detention of the number plates for any vehicle that the court is satisfied was used in the commission of the offence, if the court is satisfied that the continued operation of the vehicle will result or is likely to result in any of the effects mentioned in subsection 47*a* (2).

Term of suspension and detention

(2) The court may fix such period of time, not exceeding five years, for the suspension of the permit and the detention of the number plates as the court considers proper.

Idem

(3) Where the permit and the number plates were seized under section 47*a*, the period of the suspension and detention shall be calculated from the day of the seizure.

Order for seizure

(4) Where the permit and the number plates have not been seized, the court may order that the permit and the number plates shall be seized and delivered to the Registrar.

Out-of-province permit and number plates

R.S.O. 1980, c. 198

(5) Where the permit to drive the vehicle on a highway and the number plates were issued by an authority outside Ontario and not under the *Highway Traffic Act*, the court shall not act under subsection (1) but may order the Registrar to return the permit and the number plates to the authority that issued them.

Order is additional to any other penalty

(6) The court may issue an order under this section in addition to any other penalty imposed.

Notice of commencement of proceedings

(7) The prosecutor shall give to the Registrar and to the person to whom the permit and the number plates were issued notice of the commencement of the proceedings in respect of the offence mentioned in subsection (1).

Notice of intention to seek order

(8) Subsections (1) and (5) do not apply unless the court is satisfied that the person to whom the permit and the number plates were issued was notified, before the defendant entered his plea, that an order would be sought under this section.

Right to be added as a party

(9) A person given notice under subsection (8) has the right to be added as a party to the proceedings in respect of the offence mentioned in subsection (1) for the purpose,

(*a*) of satisfying the court that the vehicle was not used in the commission of the offence;

(*b*) of satisfying the court that the continued operation of the vehicle will not result and is not likely to result in any of the effects mentioned in subsection 47*a* (2); or

(*c*) of making submissions to the court with respect to the issuance of an order under this section,

or for all of such purposes.

Duty to give notice

(10) A prosecutor who intends not to seek a penalty under this section shall give notice of that fact to the court, to the Registrar and to the person to whom the permit and the number plates were issued.

Notice of intention not to seek penalty

(11) Subsections (1), (4) and (5) do not apply where the prosecutor gives notice to the person to whom the permit and the number plates were issued that a penalty will not be sought under this section.

Order to detain permit and number plates pending payment of penalty

47*c*.—(1) Where,

(*a*) a person is convicted of an offence in respect of hauled liquid industrial waste or hazardous waste; and

(*b*) the court is satisfied,

(i) that the permit and the number plates for a vehicle used in the commission of the offence are in the possession of the Registrar or are the subject of an order for seizure and delivery to the Registrar, and

(ii) that the person to whom the permit and the number plates were issued was notified that a penalty would be sought under section 47*b*,

the court may order the Registrar to detain the permit and the number plates until any fine imposed upon the conviction mentioned in clause (*a*) is paid.

Duty of court clerk

(2) The clerk of the court shall transmit to the Registrar,

(*a*) a copy of the order made under subsection (1) together with a certificate as to the issuance of the order; and

(*b*) upon payment of the fine, a certificate by the clerk as to the payment.

47*d*. An appeal lies from an order or a refusal to issue an order under section 47*b* or 47*c* in the same manner as an appeal from a conviction or acquittal in respect of an offence mentioned in such section. Appeal

47*e*.—(1) Where the Registrar is satisfied as to the circumstances set out in subsection (2), the Registrar upon application by the person to whom the permit and the number plates were issued shall return the permit and the number plates or, upon payment of any fees prescribed therefor under the *Highway Traffic Act*, Return of permit and number plates R.S.O. 1980, c. 198

(*a*) shall renew the permit and return or issue new number plates; or

(*b*) shall issue a new permit and new number plates,

as the case requires.

(2) The circumstances referred to in subsection (1) are that, When return to be made

(*a*) the prosecutor has given notice that an order will not be sought,

(i) for the suspension of the permit and the detention of the number plates, or

(ii) for the return of the permit and the number plates to the authority outside Ontario that issued them;

(*b*) at the conclusion of an investigation, no proceedings are commenced in respect of the offence mentioned in subsection 47*b* (1);

(*c*) notice of the commencement of the proceedings in respect of the offence mentioned in subsection 47*b* (1) is not given to the Registrar or to the person to whom the permit and the number plates were issued within thirty days of the seizure of the permit and the number plates;

(*d*) every charge that has been laid is withdrawn;

(*e*) any proceedings that have been commenced are finally disposed of without the issuance of an order,

(i) for the suspension of the permit and the detention of the number plates,

(ii) for the return of the permit and the number plates to the authority outside Ontario that issued them, or

(iii) for the detention of the permit and the number plates pending payment of a fine;

(*f*) where an order has been issued for the suspension of the permit and the detention of the number plates, the period of the suspension and detention has been completed and, if an order has been issued for the detention of the permit and the number plates pending payment of a fine, the fine has been paid; or

(*g*) where an order has been issued for the detention of the permit and the number plates pending payment of a fine, the fine has been paid.

Unlawful application for permit

47*f*.—(1) No person whose permit or number plates for a vehicle,

(*a*) have been seized and are held in custody under section 47*a*;

(*b*) are under suspension or detention under section 47*b* or 47*d*; or

(*c*) are detained under section 47*c*,

shall apply for, procure the issue or renewal to him of or have in his possession a permit for the vehicle.

Unlawful application for number plates

(2) No person whose permit or number plates for a vehicle,

(*a*) have been seized and are held in custody under section 47*a*;

(*b*) are under suspension or detention under section 47*b* or 47*d*; or

(*c*) are detained under section 47*c*,

shall apply for, procure the issue to him of or have in his possession or on the vehicle number plates for the vehicle.

Transmittal of copy of order

47*g*. Where, under section 47*b* or 47*d*, an order is made or a charge is dismissed, the clerk or registrar of the court shall transmit to the Registrar a copy of the order or the minute of dismissal certified by the clerk or registrar.

SECTION 3.—Subsection 1. Subsection 123 (1) of the Act is re-enacted to clarify the powers of the Environmental Appeal Board. Subsection 123 (2) provides for an appeal to a county court from a decision of the Board on a question of law. The subsection is re-enacted to provide that the appeal will be to the Divisional Court.

Subsections 2, 3, 4 and 5. Transitional provisions.

SECTION 4. New section 147 of the *Environmental Protection Act* provides for a different penalty for a person convicted of an offence under the *Environmental Protection Act* or under subsection 16 (1) of the *Ontario Water Resources Act* if the offence involves hauled liquid industrial waste or hazardous waste. The section applies if the conduct of the person convicted results or may result in one of the consequences listed in the section.

47*h*.—(1) Upon application without notice, a justice, within the meaning of the *Provincial Offences Act*, who is satisfied that reasonable efforts have been made without success to give a notice under section 47*a* or 47*b*, or that such reasonable efforts would not be successful, may order substituted service of the notice in such manner as the justice may direct. Substituted service R.S.O. 1980, c. 400

(2) A notice given by substituted service in the manner directed under subsection (1) shall be deemed to be given on the day on which the substituted service is carried out. Effect

3.—(1) Subsections 123 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 123 (1, 2), re-enacted

(1) A hearing by the Board shall be a new hearing and the Board may confirm, alter or revoke the action of the Director that is the subject-matter of the hearing and may by order direct the Director to take such action as the Board considers the Director should take in accordance with this Act and the regulations, and, for such purposes, the Board may substitute its opinion for that of the Director. Powers of Board

(2) Any party to a hearing before the Board under this section may appeal from its decision or order on a question of law to the Divisional Court in accordance with the rules of court. Appeal to court

(2) Subsection 123 (1) of the *Environmental Protection Act*, as re-enacted by subsection (1), applies to hearings in respect of which the Board has not made a decision before this section comes into force. Application, hearings R.S.O. 1980, c. 141

(3) Subsection 123 (2) of the *Environmental Protection Act*, as re-enacted by subsection (1), applies only to appeals commenced after this section comes into force. Application, appeals

(4) Where it appears at any stage of an appeal to a county court that the appeal ought to have been taken to the Divisional Court, the appeal shall not on that account be dismissed, but a judge of the Divisional Court or of the county court may order the appeal transferred to the Divisional Court upon such terms as to costs and with such directions as to procedure as the judge considers proper. Transfer of appeals

(5) Subsection (4) does not apply in respect of an appeal that is commenced more than one year after the day this section comes into force. Application of subs. (4)

4. The said Act is further amended by adding thereto the following section: s. 147, enacted

Penalty where hauled liquid industrial waste or hazardous waste involved
R.S.O. 1980, c. 361

147.—(1) Where any person is convicted of an offence under this Act or the regulations or under subsection 16 (1) of the *Ontario Water Resources Act* in respect of hauled liquid industrial waste or hazardous waste as designated in the regulations relating to Part V of this Act and the action or failure to act for which the person is convicted results or may result in,

(*a*) impairment of the quality of the natural environment for any use that can be made of it;

(*b*) injury or damage to property or to plant or animal life;

(*c*) harm or material discomfort to any person;

(*d*) an adverse effect on the health of any person;

(*e*) impairment of the safety of any person;

(*f*) rendering any property or plant or animal life unfit for use by man;

(*g*) loss of enjoyment of normal use of property; or

(*h*) interference with the normal conduct of business,

the person is liable to a fine of not less than $2,000 and not more than $25,000 for the first offence and for each subsequent offence to a fine of not less than $4,000 and not more than $50,000 for every day or part thereof upon which the offence occurs or continues, and not as provided in the section under which the person is convicted.

Where person convicted under R.S.O. 1980, c. 361, s. 16 (1)

(2) A person who is convicted of an offence under subsection 16 (1) of the *Ontario Water Resources Act* in the circumstances mentioned in subsection (1) of this section is liable either to a fine under subsection (1) of this section or to the penalty of imprisonment under subsection 16 (1) of that Act or to both such fine and imprisonment.

Notice

(3) Subsection (1) does not apply unless the court is satisfied that the person was notified, before entering his plea, that a penalty would be sought under subsection (1).

Exception

(4) Subsection (1) does not apply in respect of an offence in respect of Part IX of this Act.

s. 148, enacted

5.—(1) The said Act is further amended by adding thereto the following section:

Subsection (2) retains the penalty of imprisonment as part of the range of penalties where the offence is under subsection 16 (1) of the *Ontario Water Resources Act*. That subsection deals with the discharge of material into a well, lake, river, pond, spring, stream, reservoir or other water or watercourse that may impair the quality of the water.

Subsection (3) provides that the person must be given notice, before pleading to the charge, that a penalty will be sought under this section.

Subsection (4) provides that the section does not apply in respect of any offence under Part IX (which relates to spills).

The penalties under this section are a fine of not less than $2,000 and not more than $25,000 for the first offence and not less than $4,000 and not more than $50,000 for each subsequent offence for every day or part of a day upon which the offence occurs or continues.

SECTION 5. New section 148 of the Act adds a limitation period of two years for the commencement of proceedings for an offence against the Act.

Subsection 5 (2) of the Bill provides that the limitation period does not apply in respect of an offence committed, or alleged to have been committed, before this section of the Bill comes into force.

148. Proceedings for an offence under this Act or the regulations shall not be commenced after two years after the date on which the offence was, or is alleged to have been, committed. Limitation

(2) Section 148 of the *Environmental Protection Act*, as enacted by subsection (1), does not apply in respect of an offence committed, or alleged to have been committed, before this section comes into force. Application of R.S.O. 1980, c. 141, s. 148

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. The short title of this Act is the *Environmental Protection Amendment Act, 1981*. Short title

An Act to amend the
Environmental Protection Act

1st Reading

October 15th, 1981

2nd Reading

3rd Reading

THE HON. K. C. NORTON
Minister of the Environment

(*Government Bill*)

BILL 143

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Environmental Protection Act

The Hon. K. C. Norton
Minister of the Environment

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

BILL 143 1981

An Act to amend the Environmental Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 40*a*, enacted

40*a*.—(1) The ownership of waste that is accepted at a waste diposal site by the operator of the site is transferred to the operator upon acceptance. Ownership of waste

(2) Where waste is desposited but not accepted at a waste disposal site, the ownership of the waste shall be deemed to be transferred to the operator of the site immediately before the waste is deposited. Where waste not accepted

(3) Subsections (1) and (2) apply only in respect of a waste disposal site for which a certificate of approval or a provisional certificate of approval is in force. Certificate of approval

(4) Subsection (1) applies only in the absence of a contract to the contrary. Effect of contract

(5) Subsections (1) to (4) do not relieve any person from liability except liability as owner of waste that is delivered to and accepted by the operator of a waste disposal site in accordance with law including an applicable certificate of approval or provisional certificate of approval. Liability

(6) Where the operator of a waste disposal site is not the owner of the land on which the site is located, subsections (1) and (2) do not prevent the ownership of waste that is accepted or deposited at the site from being transferred to the owner of the land. Owner of land

2. The said Act is further amended by adding thereto the following sections: ss. 47*a*-47*h*, enacted

VEHICLE PERMITS

Interpretation

47*a*.—(1) In this section and in sections 47*b* to 47*h*,

(*a*) "hauled liquid industrial waste or hazardous waste" means hauled liquid industrial waste or hazardous waste as designated in the regulations relating to Part V;

(*b*) "number plates" means number plates issued under the *Highway Traffic Act*;

R.S.O. 1980, c. 198

(*c*) "offence" means offence under this Act or the regulations or under subsection 16 (1) of the *Ontario Water Resources Act*;

R.S.O. 1980, c. 361

(*d*) "permit" means permit issued under section 7 of the *Highway Traffic Act*;

(*e*) "Registrar" means Registrar of Motor Vehicles under the *Highway Traffic Act*.

Seizure of permit and number plates

(2) A police officer or a provincial officer may seize the permit and the number plates for a vehicle where he is of the opinion, upon reasonable and probable grounds,

(*a*) that the vehicle was used or is being used in the commission of an offence in respect of hauled liquid industrial waste or hazardous waste; and

(*b*) that the continued operation of the vehicle will result or is likely to result in,

(i) impairment of the quality of the natural environment for any use that can be made of it,

(ii) injury or damage to property or to plant or animal life,

(iii) harm or material discomfort to any person,

(iv) an adverse effect on the health of any person,

(v) impairment of the safety of any person, or

(vi) rendering any property or plant or animal life unfit for use by man.

Safekeeping

(3) The police officer or provincial officer,

(*a*) shall deliver the permit and the number plates into the custody of the Registrar pending disposition as provided in sections 47*b* to 47*h*; and

(*b*) shall give notice to the Registrar of the date when the permit and the number plates were seized.

Notice by Registrar

(4) The Registrar shall give notice of the delivery into custody and of the date of the seizure to the person to whom the permit and the number plates were issued.

Suspension of permit and detention of number plates

47*b*.—(1) Where a person is convicted of an offence in respect of hauled liquid industrial waste or hazardous waste, the court may order the suspension of the permit and the detention of the number plates for any vehicle that the court is satisfied was used in the commission of the offence, if the court is satisfied that the continued operation of the vehicle will result or is likely to result in any of the effects mentioned in subsection 47*a* (2).

Term of suspension and detention

(2) The court may fix such period of time, not exceeding five years, for the suspension of the permit and the detention of the number plates as the court considers proper.

Idem

(3) Where the permit and the number plates were seized under section 47*a*, the period of the suspension and detention shall be calculated from the day of the seizure.

Order for seizure

(4) Where the permit and the number plates have not been seized, the court may order that the permit and the number plates shall be seized and delivered to the Registrar.

Out-of-province permit and number plates

R.S.O. 1980, c. 198

(5) Where the permit to drive the vehicle on a highway and the number plates were issued by an authority outside Ontario and not under the *Highway Traffic Act*, the court shall not act under subsection (1) but may order the Registrar to return the permit and the number plates to the authority that issued them.

Order is additional to any other penalty

(6) The court may issue an order under this section in addition to any other penalty imposed.

Notice of commencement of proceedings

(7) The prosecutor shall give to the Registrar and to the person to whom the permit and the number plates were issued notice of the commencement of the proceedings in respect of the offence mentioned in subsection (1).

Notice of intention to seek order

(8) Subsections (1) and (5) do not apply unless the court is satisfied that the person to whom the permit and the number plates were issued was notified, before the defendant entered his plea, that an order would be sought under this section.

Right to be added as a party

(9) A person given notice under subsection (8) has the right to be added as a party to the proceedings in respect of the offence mentioned in subsection (1) for the purpose,

(*a*) of satisfying the court that the vehicle was not used in the commission of the offence;

(*b*) of satisfying the court that the continued operation of the vehicle will not result and is not likely to result in any of the effects mentioned in subsection 47*a* (2); or

(*c*) of making submissions to the court with respect to the issuance of an order under this section,

or for all of such purposes.

Duty to give notice

(10) A prosecutor who intends not to seek a penalty under this section shall give notice of that fact to the court, to the Registrar and to the person to whom the permit and the number plates were issued.

Notice of intention not to seek penalty

(11) Subsections (1), (4) and (5) do not apply where the prosecutor gives notice to the person to whom the permit and the number plates were issued that a penalty will not be sought under this section.

Order to detain permit and number plates pending payment of penalty

47*c*.—(1) Where,

(*a*) a person is convicted of an offence in respect of hauled liquid industrial waste or hazardous waste; and

(*b*) the court is satisfied,

(i) that the permit and the number plates for a vehicle used in the commission of the offence are in the possession of the Registrar or are the subject of an order for seizure and delivery to the Registrar, and

(ii) that the person to whom the permit and the number plates were issued was notified that a penalty would be sought under section 47*b*,

the court may order the Registrar to detain the permit and the number plates until any fine imposed upon the conviction mentioned in clause (*a*) is paid.

Duty of court clerk

(2) The clerk of the court shall transmit to the Registrar,

(*a*) a copy of the order made under subsection (1) together with a certificate as to the issuance of the order; and

(*b*) upon payment of the fine, a certificate by the clerk as to the payment.

47*d*. An appeal lies from an order or a refusal to issue an order under section 47*b* or 47*c* in the same manner as an appeal from a conviction or acquittal in respect of an offence mentioned in such section. Appeal

47*e*.—(1) Where the Registrar is satisfied as to the circumstances set out in subsection (2), the Registrar upon application by the person to whom the permit and the number plates were issued shall return the permit and the number plates or, upon payment of any fees prescribed therefor under the *Highway Traffic Act*, Return of permit and number plates

R.S.O. 1980, c. 198

(*a*) shall renew the permit and return or issue new number plates; or

(*b*) shall issue a new permit and new number plates,

as the case requires.

(2) The circumstances referred to in subsection (1) are that, When return to be made

(*a*) the prosecutor has given notice that an order will not be sought,

(i) for the suspension of the permit and the detention of the number plates, or

(ii) for the return of the permit and the number plates to the authority outside Ontario that issued them;

(*b*) at the conclusion of an investigation, no proceedings are commenced in respect of the offence mentioned in subsection 47*b* (1);

(*c*) notice of the commencement of the proceedings in respect of the offence mentioned in subsection 47*b* (1) is not given to the Registrar or to the person to whom the permit and the number plates were issued within thirty days of the seizure of the permit and the number plates;

(*d*) every charge that has been laid is withdrawn;

(*e*) any proceedings that have been commenced are finally disposed of without the issuance of an order,

(i) for the suspension of the permit and the detention of the number plates,

(ii) for the return of the permit and the number plates to the authority outside Ontario that issued them, or

(iii) for the detention of the permit and the number plates pending payment of a fine;

(*f*) where an order has been issued for the suspension of the permit and the detention of the number plates, the period of the suspension and detention has been completed and, if an order has been issued for the detention of the permit and the number plates pending payment of a fine, the fine has been paid; or

(*g*) where an order has been issued for the detention of the permit and the number plates pending payment of a fine, the fine has been paid.

Unlawful application for permit

47*f*.—(1) No person whose permit or number plates for a vehicle,

(*a*) have been seized and are held in custody under section 47*a*;

(*b*) are under suspension or detention under section 47*b* or 47*d*; or

(*c*) are detained under section 47*c*,

shall apply for, procure the issue or renewal to him of or have in his possession a permit for the vehicle.

Unlawful application for number plates

(2) No person whose permit or number plates for a vehicle,

(*a*) have been seized and are held in custody under section 47*a*;

(*b*) are under suspension or detention under section 47*b* or 47*d*; or

(*c*) are detained under section 47*c*,

shall apply for, procure the issue to him of or have in his possession or on the vehicle number plates for the vehicle.

Transmittal of copy of order

47*g*. Where, under section 47*b* or 47*d*, an order is made or a charge is dismissed, the clerk or registrar of the court shall transmit to the Registrar a copy of the order or the minute of dismissal certified by the clerk or registrar.

47*h*.—(1) Upon application without notice, a justice, within the meaning of the *Provincial Offences Act*, who is satisfied that reasonable efforts have been made without success to give a notice under section 47*a* or 47*b*, or that such reasonable efforts would not be successful, may order substituted service of the notice in such manner as the justice may direct. Substituted service R.S.O. 1980, c. 400

(2) A notice given by substituted service in the manner directed under subsection (1) shall be deemed to be given on the day on which the substituted service is carried out. Effect

3.—(1) Subsections 123 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 123 (1, 2), re-enacted

(1) A hearing by the Board shall be a new hearing and the Board may confirm, alter or revoke the action of the Director that is the subject-matter of the hearing and may by order direct the Director to take such action as the Board considers the Director should take in accordance with this Act and the regulations, and, for such purposes, the Board may substitute its opinion for that of the Director. Powers of Board

(2) Any party to a hearing before the Board under this section may appeal from its decision or order on a question of law to the Divisional Court in accordance with the rules of court. Appeal to court

(2) Subsection 123 (1) of the *Environmental Protection Act*, as re-enacted by subsection (1), applies to hearings in respect of which the Board has not made a decision before this section comes into force. Application, hearings R.S.O. 1980, c. 141

(3) Subsection 123 (2) of the *Environmental Protection Act*, as re-enacted by subsection (1), applies only to appeals commenced after this section comes into force. Application, appeals

(4) Where it appears at any stage of an appeal to a county court that the appeal ought to have been taken to the Divisional Court, the appeal shall not on that account be dismissed, but a judge of the Divisional Court or of the county court may order the appeal transferred to the Divisional Court upon such terms as to costs and with such directions as to procedure as the judge considers proper. Transfer of appeals

(5) Subsection (4) does not apply in respect of an appeal that is commenced more than one year after the day this section comes into force. Application of subs. (4)

4. The said Act is further amended by adding thereto the following section: s. 147, enacted

Penalty where hauled liquid industrial waste or hazardous waste involved
R.S.O. 1980, c. 361

147.—(1) Where any person is convicted of an offence under this Act or the regulations or under subsection 16 (1) of the *Ontario Water Resources Act* in respect of hauled liquid industrial waste or hazardous waste as designated in the regulations relating to Part V of this Act and the action or failure to act for which the person is convicted results or may result in,

(*a*) impairment of the quality of the natural environment for any use that can be made of it;

(*b*) injury or damage to property or to plant or animal life;

(*c*) harm or material discomfort to any person;

(*d*) an adverse effect on the health of any person;

(*e*) impairment of the safety of any person;

(*f*) rendering any property or plant or animal life unfit for use by man;

(*g*) loss of enjoyment of normal use of property; or

(*h*) interference with the normal conduct of business,

the person is liable to a fine of not less than $2,000 and not more than $25,000 for the first offence and for each subsequent offence to a fine of not less than $4,000 and not more than $50,000 for every day or part thereof upon which the offence occurs or continues, and not as provided in the section under which the person is convicted.

Where person convicted under R.S.O. 1980, c. 361, s. 16 (1)

(2) A person who is convicted of an offence under subsection 16 (1) of the *Ontario Water Resources Act* in the circumstances mentioned in subsection (1) of this section is liable either to a fine under subsection (1) of this section or to the penalty of imprisonment under subsection 16 (1) of that Act or to both such fine and imprisonment.

Notice

(3) Subsection (1) does not apply unless the court is satisfied that the person was notified, before entering his plea, that a penalty would be sought under subsection (1).

Exception

(4) Subsection (1) does not apply in respect of an offence in respect of Part IX of this Act.

s. 148, enacted

5.—(1) The said Act is further amended by adding thereto the following section:

148. Proceedings for an offence under this Act or the regulations shall not be commenced after two years after the date on which the offence was, or is alleged to have been, committed. Limitation

(2) Section 148 of the *Environmental Protection Act*, as enacted by subsection (1), does not apply in respect of an offence committed, or alleged to have been committed, before this section comes into force. Application of R.S.O. 1980, c. 141, s. 148

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. The short title of this Act is the *Environmental Protection Amendment Act, 1981*. Short title

An Act to amend the
Environmental Protection Act

1st Reading

October 15th, 1981

2nd Reading

November 17th, 1981

3rd Reading

December 1st, 1981

THE HON. K. C. NORTON
Minister of the Environment

1981

BILL 144 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Ontario Water Resources Act

THE HON. K. C. NORTON
Minister of the Environment

TORONTO
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Explanatory Notes

Section 1. Sections 21 and 22 of the Act relate to the drilling of water wells in designated areas and the licensing of persons carrying on business as water well drillers. The new sections continue the requirement of a permit to construct a water well in a designated area and the requirement of a licence to engage in the business of constructing a water well. Provision is also made for the licensing of persons who work at the construction of wells.

BILL 144 1981

An Act to amend the Ontario Water Resources Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 21 and 22 of the *Ontario Water Resources Act*, being chapter 361 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: ss. 21, 22, re-enacted

WELLS

21.—(1) In this section and in sections 22 to 22*q* and subsection 44 (1*a*), Interpretation

(*a*) "Appeal Board" means the Environmental Appeal Board under the *Environmental Protection Act*; R.S.O. 1980, c. 141

(*b*) "construct", when used with respect to a well, means bore, dig, drill or otherwise make, extend or alter;

(*c*) "licensee" means the holder of a well contractor licence or a well technician licence, as the case requires;

(*d*) "prescribed" means prescribed by the regulations;

(*e*) "regulations" means the regulations made under subsection 44 (1*a*);

(*f*) "well" means a hole made in the ground to locate or to obtain ground water or to test or to obtain information in respect of ground water or an aquifer, and includes a spring around or in which works are made or equipment is installed for collection or transmission of water and that is or is likely to be used as a source of water for human consumption;

(*g*) "well construction permit" means a permit referred to in section 22;

(*h*) "well contractor licence" means a licence referred to in section 22*c*; and

(*i*) "well technician licence" means a licence referred to in section 22*g*.

Interpretation: works or equipment

(2) For the purposes of sections 21 to 22*q* and subsection 44 (1*a*), installing equipment in or connected to a well shall be deemed to be the constructing of a well.

Permit required to construct well in designated area

22. No person shall construct a well in an area designated by the regulations except under and in accordance with a well construction permit issued by a Director.

Issuance of permit

22*a*. Subject to section 22*b*, any person who applies in accordance with this Act and the regulations for a well construction permit and who pays the prescribed fee is entitled to be issued the permit.

Grounds for refusal to issue, etc.

22*b*. A Director may refuse to issue or to renew or may revoke a well construction permit, may impose terms and conditions in issuing or renewing or after issuing or renewing a well construction permit and may alter the terms and conditions of a well construction permit that has been issued or renewed where the Director is of the opinion, upon reasonable and probable grounds, that,

(*a*) the proposed well or its operation would contravene this Act or the regulations or any other Act or a regulation under any other Act;

(*b*) there is or is likely to be danger to the health or safety of any person;

(*c*) there is or is likely to be harm or material discomfort to any person;

(*d*) there is or is likely to be impairment of the quality of any air, land or water for any use that is being or is likely to be made of it;

(*e*) there is or is likely to be reduction of the quantity of water available for any use that is being or is likely to be made of it;

(*f*) there is or is likely to be injury or damage to any property or to plant or animal life;

(*g*) any property or plant or animal life is or is likely to be rendered, directly or indirectly, unfit for use by man;

(*h*) there is or is likely to be loss of enjoyment of the normal use of any property;

(*i*) there is or is likely to be interference with the normal conduct of any business; or

(*j*) there is a breach of a term or condition of the permit.

Well contractor licence required

22c. No person shall engage in the business of constructing wells except under and in accordance with a well contractor licence issued by a Director or unless exempt under the regulations.

Issuance of well contractor licence

22d. Subject to sections *22e* and *22f*, a Director shall issue a well contractor licence to any applicant therefor who is qualified for the licence under sections 21 to *22q* and the regulations and has paid the prescribed fee.

Grounds for refusal to issue, etc.

22e. A Director may refuse to issue a well contractor licence where the Director is of the opinion, upon reasonable and probable grounds, that,

(*a*) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords grounds for belief that the business of constructing wells will not be operated in accordance with the law and with honesty and integrity;

(*b*) the applicant or, where the applicant is a corporation, its officers or directors are not competent to engage in the business of constructing wells; or

(*c*) the applicant is not in a position to observe or carry out the provisions of sections 21 to *22q*, the regulations and the licence; or

(*d*) the applicant or, where the applicant is a corporation, its officers or directors have been grossly negligent in carrying on the business of constructing wells under the authority of a licence issued under section *22d* or a predecessor of that section.

Grounds for revocation, etc.

22f. A Director may revoke or suspend or may refuse to renew a well contractor licence where the Director is of the opinion, upon reasonable and probable grounds, that,

(*a*) any person has made a false statement in any material part of the application for the licence or a renewal thereof or of any report, document or other information required to be furnished by this Act or the regulations

or any other Act or a regulation under any other Act that relates to wells;

(*b*) the past conduct of the licensee or, where the licensee is a corporation, of its officers or directors affords grounds for belief that the business of constructing wells has not been operated or will not be operated in accordance with the law and with honesty and integrity;

(*c*) the licensee is in contravention of sections 21 to 22*q* or the regulations;

(*d*) a change in the officers or directors of a corporation that is a licensee affords grounds for refusing to issue a licence under clause 22*e* (*a*), (*b*) or (*d*);

(*e*) the services that can be provided by the licensee have been misrepresented;

(*f*) the licensee is not competent to carry on or has been grossly negligent in carrying on the business of constructing wells; or

(*g*) the licensee is not in a position to observe or carry out the provisions of sections 21 to 22*q*, the regulations or the licence.

Well technician

22*g*.—(1) No person shall work at the construction of wells except under and in accordance with a well technician licence of a prescribed class or unless exempt under the regulations.

Proof of employment

(2) For the purposes of this section, proof of work on one occasion at the construction of a well is sufficient to establish work at the construction of wells.

Exception

(3) Subsection (1) does not apply,

(*a*) to a person who works at the construction of a well on land owned by the person or by a member of the person's household; or

(*b*) to a person who works without remuneration for another person at the construction of a well on land owned by the other person or by a member of the other person's household.

Issuance of licence

22*h*. Subject to sections 22*i* and 22*j*, a Director shall issue a well technician licence of a prescribed class to any applicant therefor who is qualified for the licence under sections 21 to 22*q* and the regulations and has paid the prescribed fee.

Grounds for refusal to issue

22i. A Director may refuse to issue a well technician licence where the Director is of the opinion, upon reasonable and probable grounds, that the applicant is not competent to carry on the activities that would be authorized by the licence.

Grounds for refusal to renew, etc.

22j. A Director may revoke or suspend or may refuse to renew a well technician licence where the Director is of the opinion, upon reasonable and probable grounds, that,

(*a*) any person has made a false statement in any material part of the application for the licence or a renewal thereof or of any report, document or other information required to be furnished by this Act or the regulations or any other Act or a regulation under any other Act that applies to the construction of wells;

(*b*) the licensee is in contravention of sections 21 to *22q* or the regulations; or

(*c*) the licensee is not competent to carry on or has been grossly negligent in carrying on the activities that are authorized by the licence.

Notice of proposal to refuse to renew, etc.

22k.—(1) Where a Director proposes,

(*a*) to refuse to issue or renew a well construction permit;

(*b*) to revoke a well construction permit;

(*c*) to impose terms and conditions in a well construction permit;

(*d*) to alter the terms and conditions in a well construction permit;

(*e*) to refuse to issue or renew a well contractor licence or a well technician licence; or

(*f*) to revoke or suspend a well contractor licence or a well technician licence,

the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant, permittee or licensee, and the applicant, permittee or licensee may, by written notice served upon the Director and the Appeal Board within fifteen days after the service of the notice of the Director, require a hearing by the Appeal Board.

Powers of Appeal Board where hearing

(2) Where an applicant, permittee or licensee requires a hearing by the Appeal Board in accordance with subsection (1), the

Appeal Board shall appoint a time and place for and hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Appeal Board considers the Director ought to take in accordance with sections 21 to 22*q* and the regulations, and for such purposes the Appeal Board may substitute its opinion for that of the Director.

Parties

(3) The applicant, permittee or licensee, the Director and any other persons specified by the Appeal Board are parties to the hearing.

Extension of time for requiring hearing

(4) The Appeal Board shall extend the time for the giving of notice requiring a hearing by an applicant, permittee or licensee referred to in subsection (1), either before or after the expiration of such time, where it is satisfied that there are reasonable grounds for granting the extension and that there are *prima facie* grounds for granting relief to the applicant, permittee or licensee referred to in subsection (1), and the Appeal Board may give such directions as it considers proper consequent upon the extension.

Notice of hearing

(5) Notice of hearing under subsection (2) shall state that the applicant, permittee or licensee is entitled to and the Appeal Board shall give to the applicant, permittee or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the permit or licence or to take such action as will preclude the necessity for imposing or altering terms or conditions in the permit.

Examination of documentary evidence

(6) An applicant, permittee or licensee who is a party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Recording of evidence

(7) The oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(8) The findings of fact of the Appeal Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

R.S.O. 1980, c. 484

Release of documentary evidence

(9) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Appeal Board within a reasonable time after the matter in issue has been finally determined.

(10) Any party to proceedings before the Appeal Board under this section may appeal from its decision on a question of law to the Divisional Court in accordance with the rules of court. Appeal to court

(11) Where any party appeals from a decision of the Appeal Board to the Divisional Court, the Appeal Board shall forthwith file in the Supreme Court the record of the proceedings before it, which, together with the transcript of the evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal. Record to be filed in court

(12) Any party to a hearing before the Appeal Board, within thirty days after receipt of the decision of the Appeal Board or within thirty days after final disposition of an appeal, if any, under subsection (10), may appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Appeal Board as to the matter in appeal as he considers in the public interest. Appeal to Minister

(13) Where an applicant, permittee or licensee does not require a hearing by the Appeal Board under this section, the Director may carry out his proposal stated in the notice under subsection (1). Power of Director where no hearing

(14) Where a hearing by the Appeal Board is required under this section, the Director, subject to section *22l*, shall not carry out his proposal until final disposition of the hearing and any appeal. Where hearing required

22l.—(1) Upon application by the Director and subject to subsection (4), the Appeal Board may order that a proposal under section *22k* may be carried out at once notwithstanding that a hearing is or may be required under that section or that the applicant, permittee or licensee fails to appear on the hearing of the application or the Appeal Board may make a decision not to make such an order. Application for interim order

(2) An application under subsection (1) must be made on not less than three full days notice to the applicant, permittee or licensee. Notice

(3) The respondent to an application under subsection (1) may appear in person or by an agent at the hearing of the application or may make submissions to the Appeal Board by telephone or other means for consideration at the hearing. Appearance by respondent

(4) The Appeal Board may make an order under subsection (1) only where the Appeal Board is satisfied that the order is necessary for the protection of the public or of any member of the public. Grounds for order

Order may be subject to conditions

(5) An order or a decision under subsection (1) may be made subject to such conditions as the Appeal Board considers appropriate.

When order terminates

(6) An order under subsection (1) and a proposal carried out in accordance with the order are effective until final disposition of the hearing and any appeal.

Application of s. 62 (2)

(7) Subsection 62 (2), which relates to the enforcement of orders, does not apply to an order under subsection (1).

Expiry

22m.—(1) Every well construction permit, every well contractor licence and every well technician licence expires on the 31st day of March in the year next following the year of its issue or renewal.

Continuation of licence pending renewal

(2) Where a licensee has applied for a renewal of his licence and paid the prescribed fee before expiry of the licence, his licence shall be deemed to continue,

(*a*) until the renewal is granted; or

(*b*) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for serving notice requiring a hearing by the Appeal Board has expired and, where a hearing is required, until final disposition of the hearing and any appeal.

Application of s. *22l* (1)

(3) Subsection (2) does not apply where an order is made under subsection *22l* (1).

Transfer

22n. A well construction permit, well contractor licence or well technician licence is not transferable.

Continuance

22o. Every person who is licensed to carry on the business of boring or drilling wells for water immediately before this section comes into force shall be deemed to be the holder of a well contractor licence and unless sooner surrendered, suspended or revoked, the licence continues in force until the 31st day of March in the year next following the year in which this section comes into force.

Service

22p.—(1) Any notice, order or other document under sections 21 to *22q* or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person to whom service is to be made at the latest address appearing on the records of the Ministry.

Idem

(2) A notice, order or other document sent by registered mail shall, unless in good faith the contrary is shown, be deemed to be

SECTION 2. Section 44 of the Act provides for the making of regulations. The clauses related to water wells are removed from subsection 44 (1) and the authority to make regulations complementary to new sections 21 to 22*q* are set out in new subsection 44 (1*a*).

served or delivered on the seventh day following the day on which it is sent.

22q. Every person who contravenes any provision of sections *21* to *22p* or the regulations is guilty of an offence and on conviction is liable to a fine of not more than $1,000. Offence

2.—(1) Clauses 44 (1) (*n*), (*o*), (*p*) and (*q*) of the said Act are repealed. s. 44 (1) (*n-q*), repealed

(2) The said section 44 is amended by adding thereto the following subsection: s. 44, amended

(1*a*) The Lieutenant Governor in Council may make regulations relating to sections *21* to *22q*, Idem

(*a*) designating areas for the purpose of section *22*;

(*b*) regulating the location and spacing of wells;

(*c*) regulating the methods and materials used in the construction of wells;

(*d*) regulating the maintenance of wells and the materials used in the maintenance of wells;

(*e*) regulating the use of wells;

(*f*) regulating the cleaning, testing, disinfecting and decontaminating of wells;

(*g*) prescribing standards for the construction, use, maintenance, cleaning, testing, disinfecting and decontamination of wells and requiring compliance with such standards;

(*h*) prescribing circumstances in which wells shall be abandoned and requiring their abandonment in such circumstances;

(*i*) prescribing standards to be complied with when wells are abandoned and requiring compliance with such standards;

(*j*) requiring the keeping of records and the making of returns of information in respect of wells and providing for the inspection and examination of the records;

(*k*) prescribing the methods of obtaining information to be included in records and returns;

(*l*) providing for the examination of applicants for well contractor licences and well technician licences;

(*m*) prescribing standards of qualification for applicants for well contractor licences and well technician licences;

(*n*) prescribing or approving work experience for qualification for well technician licences;

(*o*) prescribing classes of well technician licences;

(*p*) prescribing forms and providing for their use;

(*q*) prescribing fees for the examination of applicants for well contractor licences and well technician licences and for the issue and renewal of well construction permits, well contractor licences and well technician licences;

(*r*) prescribing conditions that shall attach to well construction permits, well contractor licences and well technician licences;

(*s*) requiring persons engaged in the business of constructing wells to carry insurance or furnish bonds or both and fixing the amount, type, form and particulars of the insurance or bond;

(*t*) exempting any class of wells or any class of persons from any provision of sections 21 to 22*q* or the regulations and prescribing conditions that shall attach to such exemptions.

s. 54, re-enacted

3.—(1) Section 54 of the said Act is repealed and the following substituted therefor:

Limitation

54.—(1) Proceedings for an offence under this Act or the regulations made under this Act shall not be commenced after two years after the date on which the offence was, or is alleged to have been, committed.

Idem

(2) Proceedings for an offence under a by-law passed under clause 46 (1) (*c*) or (*d*) shall not be commenced after one year after the date on which the offence was, or is alleged to have been, committed.

Application of R.S.O. 1980, c. 361, s. 54 (1)

(2) Subsection 54 (1) of the *Ontario Water Resources Act*, as re-enacted by subsection (1), does not apply in respect of an offence committed, or alleged to have been committed, before this section comes into force.

SECTION 3. Section 54 of the Act is re-enacted to provide a limitation period of two years for the commencement of proceedings for an offence against the Act.

The limitation period in respect of an offence against a by-law under clause 46 (1) (*c*) or (*d*) of the Act (relating to plumbing) remains at one year.

Subsection 3 (2) of the Bill is a transitional provision.

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

5. The short title of this Act is the *Ontario Water Resources Amendment Act, 1981*. Short title

An Act to amend the
Ontario Water Resources Act

1st Reading

October 15th, 1981

2nd Reading

3rd Reading

THE HON. K. C. NORTON
Minister of the Environment

(*Government Bill*)

BILL 144

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Ontario Water Resources Act

The Hon. K. C. Norton
Minister of the Environment

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

BILL 144 1981

An Act to amend the Ontario Water Resources Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 21 and 22 of the *Ontario Water Resources Act*, being chapter 361 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: ss. 21, 22, re-enacted

WELLS

21.—(1) In this section and in sections 22 to 22*q* and subsection 44 (1*a*), Interpretation

(*a*) "Appeal Board" means the Environmental Appeal Board under the *Environmental Protection Act*; R.S.O. 1980, c. 141

(*b*) "construct", when used with respect to a well, means bore, dig, drill or otherwise make, extend or alter;

(*c*) "licensee" means the holder of a well contractor licence or a well technician licence, as the case requires;

(*d*) "prescribed" means prescribed by the regulations;

(*e*) "regulations" means the regulations made under subsection 44 (1*a*);

(*f*) "well" means a hole made in the ground to locate or to obtain ground water or to test or to obtain information in respect of ground water or an aquifer, and includes a spring around or in which works are made or equipment is installed for collection or transmission of water and that is or is likely to be used as a source of water for human consumption;

(*g*) "well construction permit" means a permit referred to in section 22;

(*h*) "well contractor licence" means a licence referred to in section 22*c*; and

(*i*) "well technician licence" means a licence referred to in section 22*g*.

Interpretation: works or equipment

(2) For the purposes of sections 21 to 22*q* and subsection 44 (1*a*), installing equipment in or connected to a well shall be deemed to be the constructing of a well.

Permit required to construct well in designated area

22. No person shall construct a well in an area designated by the regulations except under and in accordance with a well construction permit issued by a Director.

Issuance of permit

22*a*. Subject to section 22*b*, any person who applies in accordance with this Act and the regulations for a well construction permit and who pays the prescribed fee is entitled to be issued the permit.

Grounds for refusal to issue, etc.

22*b*. A Director may refuse to issue or to renew or may revoke a well construction permit, may impose terms and conditions in issuing or renewing or after issuing or renewing a well construction permit and may alter the terms and conditions of a well construction permit that has been issued or renewed where the Director is of the opinion, upon reasonable and probable grounds, that,

(*a*) the proposed well or its operation would contravene this Act or the regulations or any other Act or a regulation under any other Act;

(*b*) there is or is likely to be danger to the health or safety of any person;

(*c*) there is or is likely to be harm or material discomfort to any person;

(*d*) there is or is likely to be impairment of the quality of any air, land or water for any use that is being or is likely to be made of it;

(*e*) there is or is likely to be reduction of the quantity of water available for any use that is being or is likely to be made of it;

(*f*) there is or is likely to be injury or damage to any property or to plant or animal life;

(*g*) any property or plant or animal life is or is likely to be rendered, directly or indirectly, unfit for use by man;

(*h*) there is or is likely to be loss of enjoyment of the normal use of any property;

(*i*) there is or is likely to be interference with the normal conduct of any business; or

(*j*) there is a breach of a term or condition of the permit.

Well contractor licence required

22c. No person shall engage in the business of constructing wells except under and in accordance with a well contractor licence issued by a Director or unless exempt under the regulations.

Issuance of well contractor licence

22d. Subject to sections *22e* and *22f*, a Director shall issue a well contractor licence to any applicant therefor who is qualified for the licence under sections 21 to *22q* and the regulations and has paid the prescribed fee.

Grounds for refusal to issue, etc.

22e. A Director may refuse to issue a well contractor licence where the Director is of the opinion, upon reasonable and probable grounds, that,

(*a*) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords grounds for belief that the business of constructing wells will not be operated in accordance with the law and with honesty and integrity;

(*b*) the applicant or, where the applicant is a corporation, its officers or directors are not competent to engage in the business of constructing wells; or

(*c*) the applicant is not in a position to observe or carry out the provisions of sections 21 to *22q*, the regulations and the licence; or

(*d*) the applicant or, where the applicant is a corporation, its officers or directors have been grossly negligent in carrying on the business of constructing wells under the authority of a licence issued under section *22d* or a predecessor of that section.

Grounds for revocation, etc.

22f. A Director may revoke or suspend or may refuse to renew a well contractor licence where the Director is of the opinion, upon reasonable and probable grounds, that,

(*a*) any person has made a false statement in any material part of the application for the licence or a renewal thereof or of any report, document or other information required to be furnished by this Act or the regulations

or any other Act or a regulation under any other Act that relates to wells;

(*b*) the past conduct of the licensee or, where the licensee is a corporation, of its officers or directors affords grounds for belief that the business of constructing wells has not been operated or will not be operated in accordance with the law and with honesty and integrity;

(*c*) the licensee is in contravention of sections 21 to *22q* or the regulations;

(*d*) a change in the officers or directors of a corporation that is a licensee affords grounds for refusing to issue a licence under clause *22e* (*a*), (*b*) or (*d*);

(*e*) the services that can be provided by the licensee have been misrepresented;

(*f*) the licensee is not competent to carry on or has been grossly negligent in carrying on the business of constructing wells; or

(*g*) the licensee is not in a position to observe or carry out the provisions of sections 21 to *22q*, the regulations or the licence.

Well technician

22g.—(1) No person shall work at the construction of wells except under and in accordance with a well technician licence of a prescribed class or unless exempt under the regulations.

Proof of employment

(2) For the purposes of this section, proof of work on one occasion at the construction of a well is sufficient to establish work at the construction of wells.

Exception

(3) Subsection (1) does not apply,

(*a*) to a person who works at the construction of a well on land owned by the person or by a member of the person's household; or

(*b*) to a person who works without remuneration for another person at the construction of a well on land owned by the other person or by a member of the other person's household.

Issuance of licence

22h. Subject to sections *22i* and *22j*, a Director shall issue a well technician licence of a prescribed class to any applicant therefor who is qualified for the licence under sections 21 to *22q* and the regulations and has paid the prescribed fee.

22i. A Director may refuse to issue a well technician licence where the Director is of the opinion, upon reasonable and probable grounds, that the applicant is not competent to carry on the activities that would be authorized by the licence. Grounds for refusal to issue

22j. A Director may revoke or suspend or may refuse to renew a well technician licence where the Director is of the opinion, upon reasonable and probable grounds, that, Grounds for refusal to renew, etc.

(*a*) any person has made a false statement in any material part of the application for the licence or a renewal thereof or of any report, document or other information required to be furnished by this Act or the regulations or any other Act or a regulation under any other Act that applies to the construction of wells;

(*b*) the licensee is in contravention of sections 21 to *22q* or the regulations; or

(*c*) the licensee is not competent to carry on or has been grossly negligent in carrying on the activities that are authorized by the licence.

22k.—(1) Where a Director proposes, Notice of proposal to refuse to renew, etc.

(*a*) to refuse to issue or renew a well construction permit;

(*b*) to revoke a well construction permit;

(*c*) to impose terms and conditions in a well construction permit;

(*d*) to alter the terms and conditions in a well construction permit;

(*e*) to refuse to issue or renew a well contractor licence or a well technician licence; or

(*f*) to revoke or suspend a well contractor licence or a well technician licence,

the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant, permittee or licensee, and the applicant, permittee or licensee may, by written notice served upon the Director and the Appeal Board within fifteen days after the service of the notice of the Director, require a hearing by the Appeal Board.

(2) Where an applicant, permittee or licensee requires a hearing by the Appeal Board in accordance with subsection (1), the Powers of Appeal Board where hearing

Appeal Board shall appoint a time and place for and hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Appeal Board considers the Director ought to take in accordance with sections 21 to 22*q* and the regulations, and for such purposes the Appeal Board may substitute its opinion for that of the Director.

Parties

(3) The applicant, permittee or licensee, the Director and any other persons specified by the Appeal Board are parties to the hearing.

Extension of time for requiring hearing

(4) The Appeal Board shall extend the time for the giving of notice requiring a hearing by an applicant, permittee or licensee referred to in subsection (1), either before or after the expiration of such time, where it is satisfied that there are reasonable grounds for granting the extension and that there are *prima facie* grounds for granting relief to the applicant, permittee or licensee referred to in subsection (1), and the Appeal Board may give such directions as it considers proper consequent upon the extension.

Notice of hearing

(5) Notice of hearing under subsection (2) shall state that the applicant, permittee or licensee is entitled to and the Appeal Board shall give to the applicant, permittee or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the permit or licence or to take such action as will preclude the necessity for imposing or altering terms or conditions in the permit.

Examination of documentary evidence

(6) An applicant, permittee or licensee who is a party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Recording of evidence

(7) The oral evidence taken before the Appeal Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(8) The findings of fact of the Appeal Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

R.S.O. 1980, c. 484

Release of documentary evidence

(9) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Appeal Board within a reasonable time after the matter in issue has been finally determined.

(10) Any party to proceedings before the Appeal Board under this section may appeal from its decision on a question of law to the Divisional Court in accordance with the rules of court. Appeal to court

(11) Where any party appeals from a decision of the Appeal Board to the Divisional Court, the Appeal Board shall forthwith file in the Supreme Court the record of the proceedings before it, which, together with the transcript of the evidence if it is not part of the Appeal Board's record, shall constitute the record in the appeal. Record to be filed in court

(12) Any party to a hearing before the Appeal Board, within thirty days after receipt of the decision of the Appeal Board or within thirty days after final disposition of an appeal, if any, under subsection (10), may appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Appeal Board as to the matter in appeal as he considers in the public interest. Appeal to Minister

(13) Where an applicant, permittee or licensee does not require a hearing by the Appeal Board under this section, the Director may carry out his proposal stated in the notice under subsection (1). Power of Director where no hearing

(14) Where a hearing by the Appeal Board is required under this section, the Director, subject to section *22l*, shall not carry out his proposal until final disposition of the hearing and any appeal. Where hearing required

22l.—(1) Upon application by the Director and subject to subsection (4), the Appeal Board may order that a proposal under section *22k* may be carried out at once notwithstanding that a hearing is or may be required under that section or that the applicant, permittee or licensee fails to appear on the hearing of the application or the Appeal Board may make a decision not to make such an order. Application for interim order

(2) An application under subsection (1) must be made on not less than three full days notice to the applicant, permittee or licensee. Notice

(3) The respondent to an application under subsection (1) may appear in person or by an agent at the hearing of the application or may make submissions to the Appeal Board by telephone or other means for consideration at the hearing. Appearance by respondent

(4) The Appeal Board may make an order under subsection (1) only where the Appeal Board is satisfied that the order is necessary for the protection of the public or of any member of the public. Grounds for order

Order may be subject to conditions

(5) An order or a decision under subsection (1) may be made subject to such conditions as the Appeal Board considers appropriate.

When order terminates

(6) An order under subsection (1) and a proposal carried out in accordance with the order are effective until final disposition of the hearing and any appeal.

Application of s. 62 (2)

(7) Subsection 62 (2), which relates to the enforcement of orders, does not apply to an order under subsection (1).

Expiry

22m.—(1) Every well construction permit, every well contractor licence and every well technician licence expires on the 31st day of March in the year next following the year of its issue or renewal.

Continuation of licence pending renewal

(2) Where a licensee has applied for a renewal of his licence and paid the prescribed fee before expiry of the licence, his licence shall be deemed to continue,

(*a*) until the renewal is granted; or

(*b*) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for serving notice requiring a hearing by the Appeal Board has expired and, where a hearing is required, until final disposition of the hearing and any appeal.

Application of s. *22l* (1)

(3) Subsection (2) does not apply where an order is made under subsection *22l* (1).

Transfer

22n. A well construction permit, well contractor licence or well technician licence is not transferable.

Continuance

22o. Every person who is licensed to carry on the business of boring or drilling wells for water immediately before this section comes into force shall be deemed to be the holder of a well contractor licence and unless sooner surrendered, suspended or revoked, the licence continues in force until the 31st day of March in the year next following the year in which this section comes into force.

Service

22p.—(1) Any notice, order or other document under sections 21 to *22q* or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person to whom service is to be made at the latest address appearing on the records of the Ministry.

Idem

(2) A notice, order or other document sent by registered mail shall, unless in good faith the contrary is shown, be deemed to be

served or delivered on the seventh day following the day on which it is sent.

22q. Every person who contravenes any provision of sections 21 to *22p* or the regulations is guilty of an offence and on conviction is liable to a fine of not more than $1,000. Offence

2.—(1) Clauses 44 (1) (*n*), (*o*), (*p*) and (*q*) of the said Act are repealed. s. 44 (1) (*n-q*), repealed

(2) The said section 44 is amended by adding thereto the following subsection: s. 44, amended

(1*a*) The Lieutenant Governor in Council may make regulations relating to sections 21 to *22q*, Idem

(*a*) designating areas for the purpose of section *22*;

(*b*) regulating the location and spacing of wells;

(*c*) regulating the methods and materials used in the construction of wells;

(*d*) regulating the maintenance of wells and the materials used in the maintenance of wells;

(*e*) regulating the use of wells;

(*f*) regulating the cleaning, testing, disinfecting and decontaminating of wells;

(*g*) prescribing standards for the construction, use, maintenance, cleaning, testing, disinfecting and decontamination of wells and requiring compliance with such standards;

(*h*) prescribing circumstances in which wells shall be abandoned and requiring their abandonment in such circumstances;

(*i*) prescribing standards to be complied with when wells are abandoned and requiring compliance with such standards;

(*j*) requiring the keeping of records and the making of returns of information in respect of wells and providing for the inspection and examination of the records;

(*k*) prescribing the methods of obtaining information to be included in records and returns;

(*l*) providing for the examination of applicants for well contractor licences and well technician licences;

(*m*) prescribing standards of qualification for applicants for well contractor licences and well technician licences;

(*n*) prescribing or approving work experience for qualification for well technician licences;

(*o*) prescribing classes of well technician licences;

(*p*) prescribing forms and providing for their use;

(*q*) prescribing fees for the examination of applicants for well contractor licences and well technician licences and for the issue and renewal of well construction permits, well contractor licences and well technician licences;

(*r*) prescribing conditions that shall attach to well construction permits, well contractor licences and well technician licences;

(*s*) requiring persons engaged in the business of constructing wells to carry insurance or furnish bonds or both and fixing the amount, type, form and particulars of the insurance or bond;

(*t*) exempting any class of wells or any class of persons from any provision of sections 21 to 22*q* or the regulations and prescribing conditions that shall attach to such exemptions.

s. 54, re-enacted

3.—(1) Section 54 of the said Act is repealed and the following substituted therefor:

Limitation

54.—(1) Proceedings for an offence under this Act or the regulations made under this Act shall not be commenced after two years after the date on which the offence was, or is alleged to have been, committed.

Idem

(2) Proceedings for an offence under a by-law passed under clause 46 (1) (*c*) or (*d*) shall not be commenced after one year after the date on which the offence was, or is alleged to have been, committed.

Application of R.S.O. 1980, c. 361, s. 54 (1)

(2) Subsection 54 (1) of the *Ontario Water Resources Act*, as re-enacted by subsection (1), does not apply in respect of an offence committed, or alleged to have been committed, before this section comes into force.

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

5. The short title of this Act is the *Ontario Water Resources Amendment Act, 1981*. Short title



An Act to amend the
Ontario Water Resources Act

1st Reading

October 15th, 1981

2nd Reading

November 17th, 1981

3rd Reading

November 24th, 1981

THE HON. K. C. NORTON
Minister of the Environment

BILL 145 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Pesticides Act

The Hon. K. C. Norton
Minister of the Environment

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

EXPLANATORY NOTE

New section 34*a* of the Act adds a limitation period of two years for the commencement of proceedings for an offence against the Act or the regulations.

BILL 145 1981

An Act to amend the Pesticides Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Pesticides Act*, being chapter 376 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 34*a*, enacted

34*a*. Proceedings for an offence against this Act or the regulations shall not be commenced after two years after the date on which the offence was, or is alleged to have been, committed. Limitation

(2) Section 34*a* of the *Pesticides Act*, as enacted by subsection (1), does not apply in respect of an offence committed, or alleged to have been committed, before this section comes into force. Application of R.S.O. 1980, c. 376, s. 34*a*

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Pesticides Amendment Act, 1981*. Short title

An Act to amend the Pesticides Act

1st Reading

October 15th, 1981

2nd Reading

3rd Reading

THE HON. K. C. NORTON
Minister of the Environment

(*Government Bill*)

BILL 145

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Pesticides Act

THE HON. K. C. NORTON
Minister of the Environment

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 145 1981

An Act to amend the Pesticides Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Pesticides Act*, being chapter 376 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 34*a*, enacted

34*a*. Proceedings for an offence against this Act or the regulations shall not be commenced after two years after the date on which the offence was, or is alleged to have been, committed. Limitation

(2) Section 34*a* of the *Pesticides Act*, as enacted by subsection (1), does not apply in respect of an offence committed, or alleged to have been committed, before this section comes into force. Application of R.S.O. 1980, c. 376, s. 34*a*

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Pesticides Amendment Act, 1981*. Short title

An Act to amend the Pesticides Act

1st Reading

October 15th, 1981

2nd Reading

November 17th, 1981

3rd Reading

November 24th, 1981

THE HON. K. C. NORTON
Minister of the Environment

1981

BILL 146 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act respecting certain International Bridges

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The Bill provides that the real property of the international bridge authorities named in section 1 is subject to the *Assessment Act*, but the bridge authorities will not be subject to municipal taxation or business assessment with respect to such property. However, the bridge authorities will be required to make payments in lieu of taxes as set out in the Schedule. The payments in lieu of taxes will be phased in over a period of three years and during the first two years, the Province will provide financial assistance to the municipalities to off-set potential lost tax revenue.

BILL 146 1981

An Act respecting certain International Bridges

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, R.S.O. 1980, c. 31 to apply to certain bridges

(*a*) the *Assessment Act* applies to,

(i) the real property vested in or controlled by the Blue Water Bridge Authority and situate within the village of Point Edward, and

(ii) the real property vested in or controlled by the Niagara Falls Bridge Commission and situate within the City of Niagara Falls and the Town of Niagara-on-the-Lake,

but such real property is not subject to taxation; and

(*b*) the Blue Water Bridge Authority and the Niagara Falls Bridge Commission are not subject to assessment for business assessment under section 7 of the *Assessment Act* in respect of their occupation or use of the real property mentioned in clause (*a*).

2.—(1) The Blue Water Bridge Authority shall pay to the Village of Point Edward in the year 1982 and in each subsequent year the amounts as determined under Part I of the Schedule for the particular year. Payments to Village of Point Edward

(2) The Niagara Falls Bridge Commission shall pay to the City of Niagara Falls and the Town of Niagara-on-the-Lake in the year 1982 and in each subsequent year the amounts as determined under Parts II and III, respectively, of the Schedule for the particular year. Payments to City of Niagara and Town of Niagara-on-the-Lake

(3) The Minister of Municipal Affairs and Housing shall pay to the Village of Point Edward, the City of Niagara Falls and the Payments by Minister

Town of Niagara-on-the-Lake in the years 1982 and 1983 the amounts as determined under Parts IV, V and VI, respectively, of the Schedule for the particular year.

Collection of payments

3. The sums of money referred to in Parts I to III of the Schedule to the Act may be added to the collector's roll of taxes when it is prepared for the year in which the sums are payable and upon being so added such sums are deemed to be municipal taxes due on the real property in respect of which they are payable and the provisions of the *Municipal Act* or the *Municipal Affairs Act*, as the case may be, as to the collection and recovery of taxes including the addition of percentage charges and interest for non-payment of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1980, cc. 302, 303

Allocation of payments

4.—(1) A portion of the amount payable to a local municipality in any year under this Act, but not including an amount in respect of local improvement rates, shall be allocated to the county or corporation of the Regional Municipality, as the case may be, within which the local municipality is situate, and such portion shall be in the same proportion to the amount as is the rate levied by the local municipality in that year in respect of its net county levy or net regional levy, as the case may be, to the sum of the rates levied by the local municipality in that year in respect of its net lower tier levy and its net county levy or net regional levy, as the case may be.

Interpretation

(2) In subsection (1), "rate" means the rate levied on the assessment for real property used as the basis for computing business assessment.

Apportionment

5.—(1) The assessment of the real property mentioned in subclause 1 (*a*) (i) shall be deemed to be commercial assessment upon which taxes were levied for all purposes other than school purposes for the purposes of section 365 of the *Municipal Act*.

Idem

(2) The assessment of the real property mentioned in subclause 1 (*a*) (ii) shall be deemed to be rateable property for the purposes of subsection 128 (3) of the *Regional Municipality of Niagara Act*.

R.S.O. 1980, c. 438

Idem

(3) Except as provided in subsections (1) and (2), the assessment of the real property mentioned in clause 1 (*a*) shall not be included when determining the equalized assessment or rateable property of a local municipality for purposes of apportioning the requisition or levy of any body.

Repeals

6. The following are repealed:

1. Sections 2 and 3 of *The Rainbow Bridge Act, 1941*, being chapter 48.

2. *The Lewiston-Queenston Bridge Act, 1967*, being chapter 46.

3. *The Whirlpool Rapids Bridge Act, 1967*, being chapter 105.

4. *The Village of Point Edward Act, 1979*, being chapter 72.

7. This Act comes into force on the 1st day of January, 1982. Commencement

8. The short title of this Act is the *International Bridges Municipal Payments Act, 1981*. Short title

SCHEDULE

In this Schedule,

(*a*) "assessment" when used or applied in respect of real property situate within a municipality in respect of any year means the assessment for that real property as shown on the assessment roll used for taxation purposes by the municipality in that year;

(*b*) "commercial assessment" means the assessment for real property that is used as the basis for determining business assessment;

(*c*) "yearly tax equivalent amount" when used in respect of any year in connection with real property situate within a local municipality means the amount that would be produced by applying to the assessment for that real property the rates levied by the local municipality in that year in respect of its net lower tier levy and its net county levy or net regional levy, as the case may be, upon the assessment of real property in the municipality used as the basis for computing business assessment.

PART I

Amounts Payable by the Blue Water Bridge Authority to the Village of Point Edward

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A. One-third of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority

plus

B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A

plus

C. $11,000 in respect of the structure known as the Blue Water Bridge.

1983

A. Two-thirds of the yearly tax equivalent amount for 1983 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority

plus

B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A

plus

C. $22,000 in respect of the structure known as the Blue Water Bridge.

1984

A. The yearly tax equivalent amount for that year in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority

plus

B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

C. $33,000 in respect of the structure known as the Blue Water Bridge.

1985 and each subsequent year

A. The yearly tax equivalent amount for that year in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority

plus

B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

C. In respect of the structure known as the Blue Water Bridge, $33,000 multiplied by the result obtained when the sum of the rates levied by the Village in such year on the commercial assessment in respect of the net lower tier levy and the net county levy is divided by the sum of the rates levied by the Village in 1984 on the commercial assessment in respect of the net lower tier levy and the net county levy.

PART II

Year	Amounts Payable by the Niagara Falls Bridge Commission to the City of Niagara Falls
1982	A. One-third of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A plus C. $22,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.
1983	A. Two-thirds of the yearly tax equivalent amount for 1983 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A plus C. $44,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.
1984	A. The yearly tax equivalent amount for that year in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus B. Local improvement rates for that year in respect of the real property mentioned in paragraph A plus C. $66,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.
1985 and each subsequent year	A. The yearly tax equivalent amount for that year in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus

B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

C. In respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, $66,000 multiplied by the result obtained when the sum of the rates levied by the City in such year on the commercial assessment in respect of the net lower tier levy and the net regional levy is divided by the sum of the rates levied by the City in 1984 on the commercial assessment in respect of the net lower tier levy and the net regional levy.

PART III

Year	Amounts Payable by the Niagara Falls Bridge Commission to the Town of Niagara-on-the-Lake
1982	A. One-third of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commisson plus B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A plus C. $11,000 in respect of the structure known as the Queenston-Lewiston Bridge.
1983	A. Two-thirds of the yearly tax equivalent amount for 1983 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission plus B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A plus C. $22,000 in respect of the structure known as the Queenston-Lewiston Bridge.
1984	A. The yearly tax equivalent amount for that year in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission plus B. Local improvement rates for that year in respect of the real property mentioned in paragraph A plus

C. $33,000 in respect of the structure known as the Queenston-Lewiston Bridge.

1985 and each subsequent year

A. The yearly tax equivalent amount for that year in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission

plus

B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

C. In respect of the structure known as the Queenston-Lewiston Bridge, $33,000 multiplied by the result obtained when the sum of the rates levied by the Town in such year on the commercial assessment in respect of the net lower tier levy and the net regional levy is divided by the sum of the rates levied by the Town in 1984 on the commercial assessment in respect of the net lower tier levy and the net regional levy.

PART IV

Year	Amounts Payable by the Minister of Municipal Affairs and Housing to the Village of Point Edward
1982	A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part I of this Schedule plus B. $22,000.
1983	A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part I of this Schedule plus B. $11,000.

PART V

Year	Amounts Payable by the Minister of Municipal Affairs and Housing to the City of Niagara Falls
1982	A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part II of this Schedule plus B. $44,000.
1983	A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part II of this Schedule plus B. $22,000.

PART VI

Year	Amounts Payable by the Minister of Municipal Affairs and Housing to the Town of Niagara-on-the-Lake
1982	A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part III of this Schedule plus B. $22,000.
1983	A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part III of this Schedule plus B. $11,000.

An Act respecting
certain International Bridges

1st Reading

October 15th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

BILL 147

Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to facilitate the Negotiation and Resolution of Municipal Boundary and Boundary-related Issues

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The Bill provides a method by which municipalities may resolve annexation or amalgamation problems or resolve intermunicipal problems arising in respect of boundary-related issues.

The following are among the principal features of the Bill:

1. A municipality that seeks the resolution of an intermunicipal boundary issue or of a boundary-related issue including an annexation or an amalgamation may apply to the Minister of Municipal Affairs and Housing to initiate the procedures provided for in the Bill (section 2).

2. Upon receiving an application, the Minister may determine what issues are raised by the application, determine the party municipalities (those that have a substantial interest in the matter) and the views of any local board which might be affected by the application and report his findings to the party municipalities (section 4).

3. Where the Minister finds that an agreement has been reached by the party municipalities, he may recommend to the House legislative measures to implement the agreement or he may, where the subject-matter of the agreement falls within section 14 of the Bill, recommend to the Lieutenant Governor in Council the making of an order under that section to implement the agreement. If agreement has not been reached, the Minister may direct the party municipalities to appoint members to a negotiating committee in order to attempt to reach agreement (section 6).

4. Where a negotiating committee has been established, the Minister will appoint a chief negotiator (section 7).

5. The chief negotiator acts as chairman of the committee and will report in due course to the Minister and to the party municipalities the extent to which the committee has or has not reached agreement on the issues before it (section 11).

6. Upon receipt of a report of a chief negotiator containing a proposed agreement, each party municipality is required to hold one or more information meetings to inform the public of the contents of the report and to invite and consider comments of the public on the report, following which the council of the municipality is to inform the Minister of its opinion on each of the issues dealt with in the report (section 12).

7. After the expiration of the time stipulated in section 12, the Minister may recommend the making of an order under section 14, recommend legislative measures to the House, refer an issue or issues back for further negotiation, refer an issue or issues to the Ontario Municipal Board for a hearing and to receive the recommendations of the Board with respect to the issue or issues, or take such other action as the Minister considers appropriate in the circumstances (section 13).

8. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, by order, give effect to agreements reached by party municipalities; such an order may provide for an annexation or amalgamation and matters consequential thereon or for the resolution of an intermunicipal boundary-related issue (section 14).

9. Where the Minister has referred one or more issues to the Ontario Municipal Board for the recommendations of the Board, the Minister may, notwithstanding that there is no intermunicipal agreement, recommend the making of an order to resolve the issue (section 14).

10. Public notice of the intention to make an order under section 14 will be given and an opportunity afforded to object thereto; an order will not be made where objections are received until one or more of the steps set out in section 18 are taken (sections 17 and 18).

11. Complementary amendments are made to sections of the *Municipal Act* to remove the powers of the Board with respect to annexations and amalgamations (except annexations of territory without municipal organization) (section 23).

12. Other provisions of the Bill provide for the constitution of Issues Review Panels to whom questions may be submitted by the Minister or negotiating committees for advice, the delegation by the Minister of certain of his powers to the Deputy Minister or other officer of the Ministry of Municipal Affairs and Housing, the contribution by party municipalities towards costs incurred by the Province as a result of an application, and financial aid by the Province to party municipalities towards the costs of studies incurred by them in connection with an application.

BILL 147 1981

An Act to facilitate the Negotiation and Resolution of Municipal Boundary and Boundary-related Issues

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "local board" means a local board as defined in the *Municipal Affairs Act*; R.S.O. 1980, c. 303

(*b*) "Minister" means the Minister of Municipal Affairs and Housing;

(*c*) "Municipal Board" means the Ontario Municipal Board;

(*d*) "municipality" includes a metropolitan, regional or district municipality and the County of Oxford;

(*e*) "party municipality" means a municipality having a substantial interest in an issue raised by an application under section 2 as determined by the Minister or the chief negotiator.

Application to Minister

2. The council of a municipality that desires the resolution of an intermunicipal boundary issue or an intermunicipal boundary-related issue may by by-law apply to the Minister for the initiation of the procedures provided for in this Act.

Where s. 2 does not apply

3.—(1) Section 2 does not apply to any metropolitan, regional or district municipality or the County of Oxford or to any area municipality in a metropolitan, regional or district municipality or the County of Oxford, except in respect of an intermunicipal boundary issue or the resolution of an intermunicipal boundary-related issue that is, in the opinion of the Minister, of a minor nature.

Issues to which Act does not apply

(2) Where the Minister or a chief negotiator determines that a metropolitan, regional or district municipality or the County of Oxford or an area municipality thereof is a party municipality in respect of any issue raised by an application made under section 2 that is not in the opinion of the Minister of a minor nature, the provisions of this Act do not apply to that issue.

Inquiry by the Minister

4.—(1) Following receipt of an application under section 2, the Minister may determine and inquire into the issues raised by the application, determine the party municipalities, obtain the opinion of any local board that the Minister considers is affected by the application, and send to the clerk of each party municipality a report setting out the issues, the party municipalities and such other matters as the Minister considers appropriate.

Where opinion of school boards to be obtained

(2) Where the Minister has inquired into the issues raised by an application, the Minister shall obtain the opinion of any school board that he considers is affected by the application.

Information

5. A party municipality shall make available to the Minister all information in its possession or to which it has access, relevant to the issues raised, that the Minister requires.

Powers of Minister

6.—(1) Following the sending of a report under section 4, the Minister may,

(*a*) recommend to the Assembly such legislative measures as he considers appropriate to implement any agreement reached by the party municipalities; or

(*b*) recommend to the Lieutenant Governor in Council the making of an order under section 14 to implement any agreement reached by the party municipalities; or

(*c*) where agreement has not been reached by the party municipalities, direct that the council of each party municipality appoint, within twenty-eight days or such longer period as he may stipulate, such number of persons, members of council at the time of their appointment, as he considers appropriate to negotiate and recommend agreements on behalf of the municipality in respect of any intermunicipal boundary issue or boundary-related issue; or

(*d*) take such other action as the Minister considers appropriate.

Failure to appoint members to negotiating committee

(2) Where a party municipality fails to appoint members to the negotiating committee within the time stipulated by the Minister in a direction under clause (1) (*c*), the Minister may appoint from among the members of the council of the municipality the requisite number of persons to be members of the committee.

7. Following the appointment of members of the negotiating committee under clause 6 (1) (*c*) or subsection 6 (2), the Minister shall appoint a person to serve as chief negotiator. Appointment of chief negotiator

8.—(1) The chief negotiator and the persons appointed under clause 6 (1) (*c*) or subsection 6 (2) jointly constitute the negotiating committee. Constitution of negotiating committee

(2) The council of a party municipality and each negotiator shall act responsibly and in good faith to assist and facilitate negotiation and shall make every reasonable effort to reach an agreement on the issues raised by the application. Duties of negotiators, etc.

9.—(1) The Minister may, at any time, constitute one or more Issues Review Panels composed of such three persons as the Minister designates. Constitution of Issues Review Panel

(2) Where a negotiating committee has been constituted under section 8, the Minister shall constitute an Issues Review Panel, composed of such three persons as the Minister designates, in respect of that committee. Idem

10.—(1) The Minister may, at any time, submit to an Issues Review Panel constituted under subsection 9 (1) a question for the advice of the Panel. Submission of question to Panel

(2) The Minister, a chief negotiator or a negotiating committee may at any time submit to the Issues Review Panel constituted under subsection 9 (2) in respect of that negotiating committee a question for the advice of the Panel. Idem

11.—(1) The chief negotiator shall, Powers and duties of chief negotiator

(*a*) act as chairman of the negotiating committee;

(*b*) prepare a negotiation timetable in the event that the negotiating committee is unable to agree on a timetable;

(*c*) prepare and submit to the Minister and to the clerk of each party municipality one or more reports as the chief negotiator considers appropriate setting out,

(i) the party municipalities in respect of each issue, if different from those determined by the Minister under section 4,

(ii) the extent of agreement or disagreement within the negotiating committee on the issues negotiated,

(iii) any agreement which the negotiating committee wishes to recommend,

(iv) the chief negotiator's recommendations to the Minister with respect to the further consideration of the application, and

(v) such other matters as the chief negotiator considers appropriate.

Appointment of members to negotiating committee by new party municipality

(2) Where the chief negotiator in a report sets out a municipality that is not represented on the negotiating committee as a party municipality, the council of that municipality shall appoint members to the negotiating committee in accordance with the direction of the Minister and subsection 6 (2) applies with necessary modifications.

Holding of meetings

12.—(1) Upon receipt of a report of a chief negotiator under clause 11 (1) (*c*) that sets out an agreement mentioned in subclause (iii) of that clause, the council of each party municipality shall, and in all other cases, the council of each party municipality may,

(*a*) hold one or more information meetings, which may be held jointly with any other party municipality, for the purpose of informing the public of the contents of the report; and

(*b*) invite and consider at a meeting of council submissions and comments of the public in respect of the contents of the report; and

(*c*) not later than ninety days following the receipt of the report of the chief negotiator, or such longer period as the Minister stipulates, inform the Minister in writing of the opinion of the council on each issue in respect of which the municipality is a party municipality.

Notice of meetings

(2) Notice of an information meeting required under clause (1) (*a*) and of a meeting required under clause (1) (*b*) shall be given by publication in a newspaper having general circulation in the municipality at least fifteen days in advance of each meeting, and the meeting required under clause (1) (*b*) shall be held not sooner than fifteen days after the last information meeting required under clause (1) (*a*).

Powers of Minister

13. After the expiration of the time for informing the Minister of the opinions of the councils of the party municipalities under section 12, the Minister may,

(*a*) where agreement has been reached by the party municipalities, recommend to the Lieutenant Governor in Council the making of an order under section 14;

(*b*) refer any issue not agreed upon to the negotiating committee or to the party municipalities for further consideration;

(*c*) refer any issue not agreed upon to an Issues Review Panel for the advice of the Panel;

(*d*) terminate further consideration of the application;

(*e*) refer any issue to the Municipal Board to hear any party municipality, and after a hearing, to make recommendations thereon;

(*f*) recommend to the Assembly legislation in respect of any of the issues raised by the application; or

(*g*) take such other action as the Minister considers appropriate.

Order of Lieutenant Governor in Council

14. Subject to sections 17 and 18 but notwithstanding the provisions of any other general or special Act, the Lieutenant Governor in Council may by order, upon the recommendation of the Minister,

(*a*) give effect to agreements of party municipalities in respect of the resolution of an intermunicipal boundary issue or an intermunicipal boundary-related issue; or

(*b*) where the Minister has referred one or more issues to the Municipal Board under clause 13 (*e*), give effect to or vary the recommendations of the Municipal Board,

and any such order may provide for one or more of the following:

1. The annexation of the whole or any part or parts of a party municipality to another party municipality.

2. The amalgamation of a party municipality with one or more party municipalities.

3. A requirement for joint approval by party municipalities of any subsequent application for an annexation or amalgamation.

4. The adoption by any party municipality of an official plan or amendments thereto or the passage of a

restricted area by-law or amendments thereto, but the plan or amendments thereto adopted or the by-law or amending by-laws passed are subject to the approval under the *Planning Act* of the Minister or of the Municipal Board, as the case may be.

R.S.O. 1980, c. 379

5. A requirement for joint approval of any subsequent amendments to official plans or restricted area by-laws of any party municipality passed under the *Planning Act*.

6. The level or apportionment of expenditures incurred in respect of any joint municipal service or any service provided by a joint local board.

7. Special provision for the assessment of real property and the preparation of assessment rolls in respect of annexed or amalgamated areas.

8. The provision of any service by one party municipality or local board thereof to the whole or any part or parts of any other party municipality or local board thereof, the rates, prices and charges in respect of the service, the manner in which and upon what lands or rateable property the cost of the service is to be levied and raised and the manner in which and upon what lands or rateable property the liabilities in respect of service previously provided by any party municipality are to be discharged.

9. The continuation or otherwise of by-laws in annexed or amalgamated areas.

10. The requirement for and the methods of arbitration with respect to any issue.

11. The adjustment of assets and liabilities as between any party municipalities or local boards thereof, including unpaid taxes and the right to collect such taxes.

12. The creation, amalgamation and dissolution of any local boards of party municipalities and provision for the adjustment of assets and liabilities of such local boards.

13. The establishment of special areas within any party municipality that are to be subject to special rates and charges, including the adjustment of the rights, claims, liabilities and obligations of the ratepayers of any such areas and the extent to which the liabilities of any party

municipality shall be discharged by the imposition of rates upon the rateable property in such areas.

14. The payment of money or the transfer of real property from any party municipality or local board thereof to any other party municipality or local board thereof including the payment of compensating grants by any party municipality or local board thereof to any other party municipality or local board.

15. The composition and term of office of the council of any party municipality or of any local board thereof.

16. The division or redivision of any party municipality into wards.

17. The holding of elections in part or all of any party municipality, the qualifications of candidates and electors, the preparation of polling lists, the fixing of nomination day, the fixing of days for first meetings of councils and local boards and for such other matters as the Lieutenant Governor in Council considers necessary to provide for the effective administration of any party municipality or of any local board thereof.

18. The change in status of any party municipality.

19. The authority for any party municipality to use, acquire or service land located in another party municipality.

20. The deeming of agreements in respect of the matters mentioned in paragraphs 6, 8 and 14 to be matters within the meaning of subsection 149 (2) of the *Municipal Act*. R.S.O. 1980, c. 302

21. The level at which payment may be made to a party municipality by any ministry under any program of that ministry.

22. The transitional protection of employees of party municipalities and local boards thereof.

23. Where the holder of an operating licence under the *Public Vehicles Act* is adversely affected, the payment of compensation by a party municipality to the holder of the licence in respect of such adverse effect. R.S.O. 1980, c. 425

24. The exercise, or the witholding of the exercise, by any party municipality of its powers under any general or special Act.

Exemption from taxation not affected

15. An order under section 14 does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application of R.S.O. 1980, c. 31, s. 20

16. Section 20 of the *Assessment Act* applies to lands situated in any service area created under paragraph 8 or 13 of section 14 in respect of taxation or rates levied under or by virtue of an order made under section 14 as if the service area were the whole municipality.

Notice of intention to make order

17.—(1) No order shall be made under section 14 until twenty-eight days after the Clerk of the Executive Council has given public notice in such manner as the Lieutenant Governor in Council considers appropriate of the intention to make the order.

Filing of objection

(2) Any person may file notice of objection to the proposed issuance of an order with the Clerk of the Executive Council within the period of twenty-eight days, and the objection shall be in writing and give reasons therefor.

Where objections received

18. Where objections are received under subsection 17 (2), no order shall be made until the Lieutenant Governor in Council has done one or more of the following:

1. Referred any matter to which objection has been made to the party municipalities for consideration and to determine whether the intermunicipal agreement may be adjusted to meet the objection or objections.

2. Sought the advice of an Issues Review Panel with respect to one or more of the objections.

3. Appointed one or more hearing officers to hear any objections and, following a hearing under rules of procedure adopted by the hearing officer or officers, to make recommendations thereon.

4. Referred one or more objections to the Municipal Board to hear such objection or objections, and after a hearing, to make recommendations thereon.

5. Decided that the objection or objections is or are outweighed by the public interest.

19. The Lieutenant Governor in Council may, at any time, upon the recommendation of the Minister, rescind, change, alter or vary any order made under section 14 and, unless the Lieutenant Governor in Council determines otherwise, section 17 does not apply to any such subsequent order. Rescinding, altering, etc., of order

20.—(1) The Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any party municipality in respect of the costs incurred by the municipality in carrying out studies related to the issue or issues raised by an application. Financial assistance

(2) The Minister may require that the party municipalities contribute to the costs incurred by the Province as the result of an application under section 2, including the costs of studies undertaken, in such proportion as the Minister considers appropriate. Contribution to costs

21. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are necessary or advisable to carry out effectively the purposes or intent of this Act. General

22. Any power or duty conferred on the Minister by section 4, 7, 9 or 10 may be delegated by him in writing, subject to such limitations, conditions and requirements as the Minister may set out in his delegation, to the Deputy Minister of Municipal Affairs and Housing or to any officer of the Ministry of Municipal Affairs and Housing who may act for him in his place and stead, and when the Deputy Minister of Municipal Affairs and Housing or such officer acts in the place and stead of the Minister, it shall be presumed conclusively that he acted in accordance with such delegation. Delegation

23.—(1) Section 11 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: R.S.O. 1980, c. 302, s. 11, re-enacted

11.—(1) Upon the application of an improvement district having a population of not less than 500, the Municipal Board may erect the improvement district into a village or a township. Erection of improvement district, as village or township

(2) Upon the application of an improvement district having a population of not less than 2,000, the Municipal Board may erect the improvement district into a town. as town

(3) Upon the application of a village or township having a population of not less than 2,000, the Municipal Board may erect the village or township into a town. Erection of village or township into town

Erection of village, town or township into a city

(4) Upon the application, authorized by the Minister,

(*a*) of a village or town located in a county and having a population of not less than 15,000; or

(*b*) of a township located in a county and having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

Idem

(5) Upon the application,

(*a*) of a village or town not located in a county and having a population of not less than 15,000; or

(*b*) of a township not located in a county and having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

Application to be authorized by by-law

(6) An application by an improvement district, village, town or township under this section shall be authorized by by-law of the board of trustees of the improvement district or the council of the village, town or township, as the case may be, and notice of the application shall be published in such manner as the Municipal Board may direct.

Enlargement of area of city or town to be erected

(7) An application for the erection of a city or town under this section may include an application for the annexation of any locality that does not form part of any municipality and which adjoins the applicant municipality and, where the Municipal Board considers it desirable that the adjoining locality, or any greater or smaller area, be included in the city or town, the Municipal Board may annex the locality or any greater or smaller area to the city or town in the order erecting it.

Idem

(8) Where it is proposed that an adjoining locality be annexed to the city or town to be erected, the application for the erection shall so state and shall designate the locality to be annexed, and the provisions of section 14 shall apply with respect to the part of the application, and the order thereon, dealing with the proposed annexation.

R.S.O. 1980, c. 302, s. 12 (3), amended

(2) Subsection 12 (3) of the said Act is amended by striking out "amalgamation or" in the fifth line and by striking out "14 (8), (11), (16) and (18)" in the sixth line and inserting in lieu thereof "14 (6), (7), (12) and (13)".

(3) Section 14 of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 302, s. 14, re-enacted

14.—(1) In this section, "local board" means a local board as defined in the *Municipal Affairs Act*. Interpretation R.S.O. 1980, c. 303

(2) Upon the application of any municipality authorized by by-law of the council thereof or upon the application of the Minister authorized by the Lieutenant Governor in Council, or upon the application of at least twenty-five inhabitants, being British subjects of the full age of eighteen years, the Municipal Board may by order on such terms as it may consider expedient, annex any locality that does not form part of any municipality to the municipality and any such order may annex a greater or smaller area or areas than the area or areas specified in the application. Annexations

(3) The Municipal Board, before proceeding with the application of the council of any municipality under subsection (2), may require that the by-law of the council shall receive the assent of the electors of such municipality. Assent of electors

(4) The Municipal Board before making any order under subsection (2), shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. Public hearing to be held by Board

(5) Where in a municipality affected by a proposed annexation an official plan approved under the *Planning Act* or a predecessor thereof is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Municipal Affairs and Housing and to the planning board or planning boards having jurisdiction in any area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan. Effect of official plan R.S.O. 1980, c. 379

(6) The Municipal Board may order a division or redivision of a municipality into wards if, in the opinion of the Board, the annexation renders such division or redivision necessary or desirable. Division into wards

(7) The Municipal Board may, by any order made pursuant to an application under this section or by subsequent order or orders, Further powers of Municipal Board

(*a*) make all such adjustments of assets and liabilities as between the municipality and any local board affected by any such order as may be agreed upon or, in default of agreement, as the Board may consider equitable;

(*b*) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board may consider equitable;

(*c*) define special areas within the municipality as enlarged by such annexation having regard to the areas annexed thereto, and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;

(*d*) appoint one or more referees, who shall have all the powers mentioned in section 52 of the *Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses (*a*), (*b*) and (*c*), or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting the report or varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby;

R.S.O. 1980, c. 347

(*e*) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;

(*f*) subject to section 20, require the transfer of real property from any local board to the municipality or a local board thereof, and take any such transfer into consideration in the adjustments of assets and liabilities;

(*g*) vest real property of any local board in the municipality or a local board thereof and take any such vesting into consideration in the adjustments of assets and liabilities;

(*h*) make all such provisions for the composition of the council and any local boards, the fixing of days for

nominations, either before or subsequent to the day on which the annexation becomes effective, the appointment of returning officers, the holding of elections, the qualifications of candidates and electors, the preparation of first polling lists and assessment rolls, the fixing of days for first meetings of the council and any local boards, and for such other matters as it may consider necessary to provide for the effective administration of the enlarged municipality or of any local board thereof;

(*i*) direct the name that shall be borne by the enlarged municipality;

(*j*) where the holder of an operating licence under the *Public Vehicles Act* is adversely affected by the annexation, R.S.O. 1980, c. 425

(i) authorize the municipality to pay to the holder of the licence in respect of such adverse effect the amount of compensation agreed upon, or

(ii) direct what compensation, if any, shall be paid by the municipality to the holder of the licence in respect of such adverse effect;

(*k*) where by reason of any annexation order made under this section the taxable assessment of a locality as defined in the *Education Act* is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to the effective date of such annexation, authorize and direct the payment to a school board thereof by the annexing municipality or a school board thereof, to relieve such school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipality and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable; R.S.O. 1980, c. 129

(*l*) where by reason of annexation orders made under this section within any three-year period the taxable assessment of a locality as defined in the *Education Act* is reduced by not less than a total of 15 per cent as shown by the last revised assessment rolls prior to the effective date of each of such annexations, and no order has been made under clause (*k*), authorize and direct the payment to a school board therein by the annexing municipality or a school board thereof, to relieve such

school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the last annexation in such amounts and manner as may be agreed upon between the municipality and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable after a public hearing in each case;

(*m*) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the annexation provided for in such order;

(*n*) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis than the last revised assessment of the annexing municipality and is therefor not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof, provided that an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation.

Urban service areas

(8) The Municipal Board may, by any order made pursuant to an application under this section or a predecessor thereof or by subsequent order or orders, define urban services and cost of urban services and establish and, after establishment, alter one or more urban service areas within the municipality as enlarged by an annexation and determine the manner in which and upon what lands or rateable property the cost of providing urban services is to be levied and raised by the municipality, and determine the manner in which and upon what lands or rateable property the liabilities, in respect of urban services of any annexed locality or area as it existed prior to the annexation, shall be discharged by the imposition of rates in an urban service area.

Effect of order on exemptions

(9) An order under subsection (8) does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application of R.S.O. 1980, c. 31, s. 20

(10) Section 20 of the *Assessment Act* applies to lands situated in an urban service area with respect to taxation or rates levied under or by virtue of an order made under this subsection as if the urban service area were the whole municipality.

Determination of compensating grants by Board

(11) Where compensating grants are to be determined by the Municipal Board under clause (7) (*k*), the determination shall not

be made until after one complete fiscal year of the municipality has elapsed following the date of the annexation.

Municipal Board may make rules, etc.

(12) The Municipal Board may make such rules and regulations and issue such orders and directions in respect of any matter not specifically provided for in this section as it considers necessary or desirable in connection with any such annexation and every such rule, regulation, order and direction is valid and binding upon all municipalities and local boards interested in or affected thereby.

Provisions of this section to prevail

(13) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding any other provision in this Act or any other special or general Act and, in the event of any conflict between the provisions of this section and the other provisions of this Act or any other special or general Act, the provisions of this section prevail.

Decision granting annexation

R.S.O. 1980, c. 347

(14) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision of the Municipal Board providing for an annexation or refusing an application for an annexation and such decision,

(*a*) shall be in writing;

(*b*) shall identify the area to be annexed; and

(*c*) shall fix the date when the annexation shall be effective,

and a copy of the decision shall be sent by the secretary of the Board by registered mail to the clerk of every municipality, including every county, affected by the decision, and to such other persons as the Board may direct.

Notice of objection

(15) No order shall be made under subsection (2) until the expiration of twenty-eight days after the mailing of the copies of the decision under subsection (14) and, within such period of twenty-eight days, notice of objection to the decision may be filed with the Clerk of the Executive Council.

Idem

(16) For the purposes of subsection (15), the notice of objection means an objection in writing, giving reasons therefor, that, according to the certificate of the clerk of the municipality, is signed by not less than 10 per cent of the persons qualified to vote who are resident in,

(*a*) the municipality that has applied for the order; or

(*b*) the area that by the decision is to be annexed to the applicant municipality,

and includes, where there are no persons qualified to vote who are resident in the area to be annexed, an objection in writing, giving reasons therefor, authorized by resolution of a school board having jurisdiction in the locality in which such area is situated.

Withdrawal of objection

(17) An objection filed under subsection (15) may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant Governor in Council has made an order under subsection (18), of a notice in writing of such withdrawal signed by one-third or more of the objectors provided that the then remaining objectors constitute not more than 10 per cent of the persons who were entitled to sign the objection under subsection (16), or, where the objection was authorized by a school board, of a certified copy of a resolution repealing the authorizing resolution.

Powers of Lieutnant Governor in Council

(18) Where an objection is filed in accordance with subsections (15) and (16) and is not withdrawn, the Lieutenant Governor in Council may by order,

(*a*) confirm the decision of the Municipal Board; or

(*b*) require the Municipal Board to hold a new public hearing of the annexation application before such members of the Board as the Lieutenant Governor in Council may designate.

Finality of decision

(19) The decision of the Municipal Board,

(*a*) where no objection is filed in accordance with subsections (15) and (16) or where the objections thereto are withdrawn in accordance with subsection (17); or

(*b*) when confirmed by the Lieutenant Governor in Council; or

(*c*) after a new public hearing ordered by the Lieutenant Governor in Council,

is final and not open to appeal, and the Board may thereupon make an order under subsection (2).

Application of R.S.O. 1980, c. 347, s. 95

(20) Nothing in this section affects the application of section 95 of the *Ontario Municipal Board Act*.

Adding parts to municipality in a county or another territorial district

(21) Where an area becomes part of a local municipality in a county or another territorial district, it thereafter forms part of that county or territorial district, except for the purpose of representation in the Assembly.

(22) When an order is made under subsection (2), it shall be registered as required by section 63 of the *Registry Act* as soon as practicable after the effective date of the order, Registration of order under R.S.O. 1980, c. 445, s. 63

(*a*) where the order is made upon the application of the Minister, by the Minister; and

(*b*) where the order is made upon the application of a municipality, by the clerk of the municipality.

(4) Subsection 15 (3) of the said Act is amended by striking out "(19) to (25)" in the second line and inserting in lieu thereof "(14) to (20)". R.S.O. 1980, c. 302, s. 15 (3), amended

(5) Subsection 17 (2) of the said Act is repealed. R.S.O. 1980, c. 302, s. 17 (2), repealed

(6) Sections 18, 19, 20 and 21 of the said Act are repealed and the following substituted therefor: R.S.O. 1980, c. 302, ss. 18-21, re-enacted

18. Except where otherwise ordered by the Municipal Board, where a locality is annexed to a municipality, the by-laws of the municipality extend to the locality and any by-laws then in force in the locality cease to apply to it. By-laws in force in annexed territory

19.—(1) Where, Assets, etc., on erections

(*a*) an improvement district is erected into a village, township or town;

(*b*) a village or township is erected into a town; or

(*c*) a village, town or township is erected into a city,

all the assets and liabilities of the former municipality and its local boards are assets and liabilities of the new municipality and its local boards, and the new municipality and its local boards for all purposes stand in the place and stead of the former municipality and its local boards.

(2) Without limiting the generality of subsection (1), the new municipality has the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the former municipality, including those for the year in which the erection takes place, as if such taxes had been imposed by the new municipality. Idem

20. Unless otherwise ordered by the Municipal Board, where a township is separated from a union of townships, the real property belonging to the union of townships and situated in the separated township belongs to and is vested in the separated Disposition of real property on separation from union of townships

township and the remainder of the real property is the property of the remainder of the union.

Unpaid taxes

21.—(1) Except where otherwise provided by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, any taxes that are unpaid at the time the incorporation takes effect belong to the newly incorporated municipality and may be collected and recovered by it as if they had been imposed by it.

Idem

(2) The unpaid taxes, the right to collect and recover which is transferred to the newly incorporated municipality under subsection (1), shall be taken into consideration upon the adjustment of assets and liabilities consequent upon the incorporation.

R.S.O. 1980, c. 302, s. 22 (2), repealed

(7) Subsection 22 (2) of the said Act is repealed.

Transitional

24. Notwithstanding subsection 23 (3) of this Act, where the Municipal Board has, on or before the day this Act comes into force, received an application under section 14 of the *Municipal Act,* the Board shall hear and determine the subject-matter of the application and section 14 of the *Municipal Act* as it existed on the day before the day this Act comes into force continues to apply.

R.S.O. 1980, c. 302

Commencement

25. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

26. The short title of this Act is the *Municipal Boundary Negotiations Act, 1981.*



An Act to facilitate the Negotiation and Resolution of Municipal Boundary and Boundary-related Issues

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1st Reading

October 15th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

1981

BILL 147 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to facilitate the Negotiation and Resolution of Municipal Boundary and Boundary-related Issues

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Reprinted as amended by the Committee of the Whole House)

TORONTO
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Explanatory Note

The Bill provides a method by which municipalities may resolve annexation or amalgamation problems or resolve intermunicipal problems arising in respect of boundary-related issues.

The following are among the principal features of the Bill:

1. A municipality that seeks the resolution of an intermunicipal boundary issue or of a boundary-related issue including an annexation or an amalgamation may apply to the Minister of Municipal Affairs and Housing to initiate the procedures provided for in the Bill (section 2).

2. Upon receiving an application, the Minister may determine what issues are raised by the application, determine the party municipalities (those that have a substantial interest in the matter) and the views of any local board which might be affected by the application and report his findings to the party municipalities (section 4).

3. Where the Minister finds that an agreement has been reached by the party municipalities, he may recommend to the House legislative measures to implement the agreement or he may, where the subject-matter of the agreement falls within section 14 of the Bill, recommend to the Lieutenant Governor in Council the making of an order under that section to implement the agreement. If agreement has not been reached, the Minister may direct the party municipalities to appoint members to a negotiating committee in order to attempt to reach agreement (section 6).

4. Where a negotiating committee has been established, the Minister will appoint a chief negotiator (section 7).

5. The chief negotiator acts as chairman of the committee and will report in due course to the Minister and to the party municipalities the extent to which the committee has or has not reached agreement on the issues before it (section 11).

6. Upon receipt of a report of a chief negotiator containing a proposed agreement, each party municipality is required to hold one or more information meetings to inform the public of the contents of the report and to invite and consider comments of the public on the report, following which the council of the municipality is to inform the Minister of its opinion on each of the issues dealt with in the report (section 12).

7. After the expiration of the time stipulated in section 12, the Minister may recommend the making of an order under section 14, recommend legislative measures to the House, refer an issue or issues back for further negotiation, refer an issue or issues to the Ontario Municipal Board for a hearing and to receive the recommendations of the Board with respect to the issue or issues, or take such other action as the Minister considers appropriate in the circumstances (section 13).

8. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, by order, give effect to agreements reached by party municipalities; such an order may provide for an annexation or amalgamation and matters consequential thereon or for the resolution of an intermunicipal boundary-related issue (section 14).

9. Where the Minister has referred one or more issues to the Ontario Municipal Board for the recommendations of the Board, the Minister may, notwithstanding that there is no intermunicipal agreement, recommend the making of an order to resolve the issue (section 14).

10. Public notice of the intention to make an order under section 14 will be given and an opportunity afforded to object thereto; an order will not be made where objections are received until one or more of the steps set out in section 18 are taken (sections 17 and 18).

11. Complementary amendments are made to sections of the *Municipal Act* to remove the powers of the Board with respect to annexations and amalgamations (except annexations of territory without municipal organization) (section 23).

12. Other provisions of the Bill provide for the constitution of Issues Review Panels to whom questions may be submitted by the Minister or negotiating committees for advice, the delegation by the Minister of certain of his powers to the Deputy Minister or other officer of the Ministry of Municipal Affairs and Housing, the contribution by party municipalities towards costs incurred by the Province as a result of an application, and financial aid by the Province to party municipalities towards the costs of studies incurred by them in connection with an application.

BILL 147 1981

An Act to facilitate the Negotiation and Resolution of Municipal Boundary and Boundary-related Issues

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "local board" means a local board as defined in the *Municipal Affairs Act*; R.S.O. 1980, c. 303

(*b*) "Minister" means the Minister of Municipal Affairs and Housing;

(*c*) "Municipal Board" means the Ontario Municipal Board;

(*d*) "municipality" includes a metropolitan, regional or district municipality and the County of Oxford;

(*e*) "party municipality" means a municipality having a substantial interest in an issue raised by an application under section 2 as determined by the Minister or the chief negotiator.

Application to Minister

2. The council of a municipality that desires the resolution of an intermunicipal boundary issue or an intermunicipal boundary-related issue may by by-law apply to the Minister for the initiation of the procedures provided for in this Act.

Where s. 2 does not apply

3.—(1) Section 2 does not apply to any metropolitan, regional or district municipality or the County of Oxford or to any area municipality in a metropolitan, regional or district municipality or the County of Oxford, except in respect of an intermunicipal boundary issue or the resolution of an intermunicipal boundary-related issue that is, in the opinion of the Minister, of a minor nature.

Issues to which Act does not apply

(2) Where the Minister or a chief negotiator determines that a metropolitan, regional or district municipality or the County of Oxford or an area municipality thereof is a party municipality in respect of any issue raised by an application made under section 2 that is not in the opinion of the Minister of a minor nature, the provisions of this Act do not apply to that issue.

Inquiry by the Minister

4.—(1) Following receipt of an application under section 2, the Minister may determine and inquire into the issues raised by the application, determine the party municipalities, obtain the opinion of any local board that the Minister considers is affected by the application, and send to the clerk of each party municipality a report setting out the issues, the party municipalities and such other matters as the Minister considers appropriate.

Where opinion of school boards to be obtained

(2) Where the Minister has inquired into the issues raised by an application, the Minister shall obtain the opinion of any school board that he considers is affected by the application.

Information

5. A party municipality shall make available to the Minister all information in its possession or to which it has access, relevant to the issues raised, that the Minister requires.

Powers of Minister

6.—(1) Following the sending of a report under section 4, the Minister may,

(*a*) recommend to the Assembly such legislative measures as he considers appropriate to implement any agreement reached by the party municipalities; or

(*b*) recommend to the Lieutenant Governor in Council the making of an order under section 14 to implement any agreement reached by the party municipalities; or

(*c*) where agreement has not been reached by the party municipalities, direct that the council of each party municipality appoint, within twenty-eight days or such longer period as he may stipulate, such number of persons, members of council at the time of their appointment, as he considers appropriate to negotiate and recommend agreements on behalf of the municipality in respect of any intermunicipal boundary issue or boundary-related issue; or

(*d*) take such other action as the Minister considers appropriate.

Failure to appoint members to negotiating committee

(2) Where a party municipality fails to appoint members to the negotiating committee within the time stipulated by the Minister in a direction under clause (1) (*c*), the Minister may appoint from among the members of the council of the municipality the requisite number of persons to be members of the committee.

Appointment of chief negotiator

7. Following the appointment of members of the negotiating committee under clause 6 (1) (*c*) or subsection 6 (2), the Minister shall appoint a person to serve as chief negotiator.

Constitution of negotiating committee

8.—(1) The chief negotiator and the persons appointed under clause 6 (1) (*c*) or subsection 6 (2) jointly constitute the negotiating committee.

Duties of negotiators, etc.

(2) The council of a party municipality and each negotiator shall act responsibly and in good faith to assist and facilitate negotiation and shall make every reasonable effort to reach an agreement on the issues raised by the application.

Constitution of Issues Review Panel

9.—(1) The Minister may, at any time, constitute one or more Issues Review Panels composed of such three persons as the Minister designates.

Idem

(2) Where a negotiating committee has been constituted under section 8, the Minister shall constitute an Issues Review Panel, composed of such three persons as the Minister designates, in respect of that committee.

Submission of question to Panel

10.—(1) The Minister may, at any time, submit to an Issues Review Panel constituted under subsection 9 (1) a question for the advice of the Panel.

Idem

(2) The Minister, a chief negotiator or a negotiating committee may at any time submit to the Issues Review Panel constituted under subsection 9 (2) in respect of that negotiating committee a question for the advice of the Panel.

Powers and duties of chief negotiator

11.—(1) The chief negotiator shall,

(*a*) act as chairman of the negotiating committee;

(*b*) prepare a negotiation timetable in the event that the negotiating committee is unable to agree on a timetable;

(*c*) prepare and submit to the Minister and to the clerk of each party municipality one or more reports as the chief negotiator considers appropriate setting out,

(i) the party municipalities in respect of each issue, if different from those determined by the Minister under section 4,

(ii) the extent of agreement or disagreement within the negotiating committee on the issues negotiated,

(iii) any agreement which the negotiating committee wishes to recommend,

(iv) the chief negotiator's recommendations to the Minister with respect to the further consideration of the application, and

(v) such other matters as the chief negotiator considers appropriate.

Appointment of members to negotiating committee by new party municipality

(2) Where the chief negotiator in a report sets out a municipality that is not represented on the negotiating committee as a party municipality, the council of that municipality shall appoint members to the negotiating committee in accordance with the direction of the Minister and subsection 6 (2) applies with necessary modifications.

Holding of meetings

12.—(1) Upon receipt of a report of a chief negotiator under clause 11 (1) (*c*) that sets out an agreement mentioned in subclause (iii) of that clause, the council of each party municipality shall, and in all other cases, the council of each party municipality may,

(*a*) hold one or more information meetings, which may be held jointly with any other party municipality, for the purpose of informing the public of the contents of the report; and

(*b*) invite and consider at a meeting of council submissions and comments of the public in respect of the contents of the report; and

(*c*) not later than ninety days following the receipt of the report of the chief negotiator, or such longer period as the Minister stipulates, inform the Minister in writing of the opinion of the council on each issue in respect of which the municipality is a party municipality.

Notice of meetings

(2) Notice of an information meeting required under clause (1) (*a*) and of a meeting required under clause (1) (*b*) shall be given by publication in a newspaper having general circulation in the municipality at least fifteen days in advance of each meeting, and the meeting required under clause (1) (*b*) shall be held not sooner than fifteen days after the last information meeting required under clause (1) (*a*).

Powers of Minister

13. After the expiration of the time for informing the Minister of the opinions of the councils of the party municipalities under section 12, the Minister may,

(*a*) where agreement has been reached by the party municipalities, recommend to the Lieutenant Governor in Council the making of an order under section 14;

(*b*) refer any issue not agreed upon to the negotiating committee or to the party municipalities for further consideration;

(*c*) refer any issue not agreed upon to an Issues Review Panel for the advice of the Panel;

(*d*) terminate further consideration of the application;

(*e*) refer any issue to the Municipal Board to hear any party municipality, and after a hearing, to make recommendations thereon;

(*f*) recommend to the Assembly legislation in respect of any of the issues raised by the application; or

(*g*) take such other action as the Minister considers appropriate.

Order of Lieutenant Governor in Council

14. Subject to sections 17 and 18 but notwithstanding the provisions of any other general or special Act, the Lieutenant Governor in Council may by order, upon the recommendation of the Minister,

(*a*) give effect to agreements of party municipalities in respect of the resolution of an intermunicipal boundary issue or an intermunicipal boundary-related issue; or

(*b*) where the Minister has referred one or more issues to the Municipal Board under clause 13 (*e*), give effect to or vary the recommendations of the Municipal Board,

and any such order may provide for one or more of the following:

1. The annexation of the whole or any part or parts of a party municipality to another party municipality.

2. The amalgamation of a party municipality with one or more party municipalities.

3. A requirement for joint approval by party municipalities of any subsequent application for an annexation or amalgamation.

4. The adoption by any party municipality of an official plan or amendments thereto or the passage of a

restricted area by-law or amendments thereto, but the plan or amendments thereto adopted or the by-law or amending by-laws passed are subject to the approval under the *Planning Act* of the Minister or of the Municipal Board, as the case may be.

R.S.O. 1980, c. 379

5. A requirement for joint approval of any subsequent amendments to official plans or restricted area by-laws of any party municipality passed under the *Planning Act*.

6. The level or apportionment of expenditures incurred in respect of any joint municipal service or any service provided by a joint local board.

7. Special provision for the assessment of real property and the preparation of assessment rolls in respect of annexed or amalgamated areas.

8. The provision of any service by one party municipality or local board thereof to the whole or any part or parts of any other party municipality or local board thereof, the rates, prices and charges in respect of the service, the manner in which and upon what lands or rateable property the cost of the service is to be levied and raised and the manner in which and upon what lands or rateable property the liabilities in respect of service previously provided by any party municipality are to be discharged.

9. The continuation or otherwise of by-laws in annexed or amalgamated areas.

10. The requirement for and the methods of arbitration with respect to any issue.

11. The adjustment of assets and liabilities as between any party municipalities or local boards thereof, including unpaid taxes and the right to collect such taxes.

12. The creation, amalgamation and dissolution of any local boards of party municipalities and provision for the adjustment of assets and liabilities of such local boards.

13. The establishment of special areas within any party municipality that are to be subject to special rates and charges, including the adjustment of the rights, claims, liabilities and obligations of the ratepayers of any such areas and the extent to which the liabilities of any party

municipality shall be discharged by the imposition of rates upon the rateable property in such areas.

14. The payment of money or the transfer of real property from any party municipality or local board thereof to any other party municipality or local board thereof including the payment of compensating grants by any party municipality or local board thereof to any other party municipality or local board.

15. The composition and term of office of the council of any party municipality or of any local board thereof.

16. The division or redivision of any party municipality into wards.

17. The holding of elections in part or all of any party municipality, the qualifications of candidates and electors, the preparation of polling lists, the fixing of nomination day, the fixing of days for first meetings of councils and local boards and for such other matters as the Lieutenant Governor in Council considers necessary to provide for the effective administration of any party municipality or of any local board thereof.

18. The change in status of any party municipality.

19. The authority for any party municipality to use, acquire or service land located in another party municipality.

20. The deeming of agreements in respect of the matters mentioned in paragraphs 6, 8 and 14 to be matters within the meaning of subsection 149 (2) of the *Municipal Act*. R.S.O. 1980, c. 302

21. The level at which payment may be made to a party municipality by any ministry under any program of that ministry.

22. The transitional protection of employees of party municipalities and local boards thereof.

23. Where the holder of an operating licence under the *Public Vehicles Act* is adversely affected, the payment of compensation by a party municipality to the holder of the licence in respect of such adverse effect. R.S.O. 1980, c. 425

24. The exercise, or the witholding of the exercise, by any party municipality of its powers under any general or special Act.

Exemption from taxation not affected

15. An order under section 14 does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application of R.S.O. 1980, c. 31, s. 20

16. Section 20 of the *Assessment Act* applies to lands situated in any service area created under paragraph 8 or 13 of section 14 in respect of taxation or rates levied under or by virtue of an order made under section 14 as if the service area were the whole municipality.

Notice of intention to make order

17.—(1) No order shall be made under section 14 until twenty-eight days after the Clerk of the Executive Council has given public notice by publication in a newspaper or newspapers having general circulation in the party municipalities of the intention to make the order.

Filing of objection

(2) Any person may file notice of objection to the proposed issuance of an order with the Clerk of the Executive Council within the period of twenty-eight days, and the objection shall be in writing and give reasons therefor.

Where objections received

18. Where objections are received under subsection 17 (2), no order shall be made until the Lieutenant Governor in Council has done one or more of the following:

1. Referred any matter to which objection has been made to the party municipalities for consideration and to determine whether the intermunicipal agreement may be adjusted to meet the objection or objections.

2. Sought the advice of an Issues Review Panel with respect to one or more of the objections.

3. Appointed one or more hearing officers to hear any objections and, following a hearing under rules of procedure adopted by the hearing officer or officers, to make recommendations thereon.

4. Referred one or more objections to the Municipal Board to hear such objection or objections, and after a hearing, to make recommendations thereon.

5. Decided that the objection or objections is or are outweighed by the public interest.

19. Where in the opinion of the Minister an order made under section 14 does not fully carry out the intent and purpose that was intended, the Lieutenant Governor in Council may on the recommendation of the Minister, amend or revoke any such order and, unless the Lieutenant Governor in Council determines otherwise, section 17 does not apply to any such subsequent order. Rescinding, altering, etc., of order

20.—(1) The Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any party municipality in respect of the costs incurred by the municipality in carrying out studies related to the issue or issues raised by an application. Financial assistance

(2) The Minister may require that the party municipalities contribute to the costs incurred by the Province as the result of an application under section 2, including the costs of studies undertaken, in such proportion as the Minister considers appropriate. Contribution to costs

21. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are necessary or advisable to carry out effectively the purposes or intent of this Act. General

22. Any power or duty conferred on the Minister by section 4, 7, 9 or 10 may be delegated by him in writing, subject to such limitations, conditions and requirements as the Minister may set out in his delegation, to the Deputy Minister of Municipal Affairs and Housing or to any officer of the Ministry of Municipal Affairs and Housing who may act for him in his place and stead, and when the Deputy Minister of Municipal Affairs and Housing or such officer acts in the place and stead of the Minister, it shall be presumed conclusively that he acted in accordance with such delegation. Delegation

23.—(1) Section 11 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: R.S.O. 1980, c. 302, s. 11, re-enacted

11.—(1) Upon the application of an improvement district having a population of not less than 500, the Municipal Board may erect the improvement district into a village or a township. Erection of improvement district, as village or township

(2) Upon the application of an improvement district having a population of not less than 2,000, the Municipal Board may erect the improvement district into a town. as town

(3) Upon the application of a village or township having a population of not less than 2,000, the Municipal Board may erect the village or township into a town. Erection of village or township into town

Erection of village, town or township into a city

(4) Upon the application, authorized by the Minister,

(*a*) of a village or town located in a county and having a population of not less than 15,000; or

(*b*) of a township located in a county and having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

Idem

(5) Upon the application,

(*a*) of a village or town not located in a county and having a population of not less than 15,000; or

(*b*) of a township not located in a county and having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

Application to be authorized by by-law

(6) An application by an improvement district, village, town or township under this section shall be authorized by by-law of the board of trustees of the improvement district or the council of the village, town or township, as the case may be, and notice of the application shall be published in such manner as the Municipal Board may direct.

Enlargement of area of city or town to be erected

(7) An application for the erection of a city or town under this section may include an application for the annexation of any locality that does not form part of any municipality and which adjoins the applicant municipality and, where the Municipal Board considers it desirable that the adjoining locality, or any greater or smaller area, be included in the city or town, the Municipal Board may annex the locality or any greater or smaller area to the city or town in the order erecting it.

Idem

(8) Where it is proposed that an adjoining locality be annexed to the city or town to be erected, the application for the erection shall so state and shall designate the locality to be annexed, and the provisions of section 14 shall apply with respect to the part of the application, and the order thereon, dealing with the proposed annexation.

R.S.O. 1980, c. 302, s. 12 (3), amended

(2) Subsection 12 (3) of the said Act is amended by striking out "amalgamation or" in the fifth line and by striking out "14 (8), (11), (16) and (18)" in the sixth line and inserting in lieu thereof "14 (6), (7), (12) and (13)".

(3) Section 14 of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 302, s. 14, re-enacted

14.—(1) In this section, "local board" means a local board as defined in the *Municipal Affairs Act*. Interpretation R.S.O. 1980, c. 303

(2) Upon the application of any municipality authorized by by-law of the council thereof or upon the application of the Minister authorized by the Lieutenant Governor in Council, or upon the application of at least twenty-five inhabitants, being British subjects of the full age of eighteen years, the Municipal Board may by order on such terms as it may consider expedient, annex any locality that does not form part of any municipality to the municipality and any such order may annex a greater or smaller area or areas than the area or areas specified in the application. Annexations

(3) The Municipal Board, before proceeding with the application of the council of any municipality under subsection (2), may require that the by-law of the council shall receive the assent of the electors of such municipality. Assent of electors

(4) The Municipal Board before making any order under subsection (2), shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. Public hearing to be held by Board

(5) Where in a municipality affected by a proposed annexation an official plan approved under the *Planning Act* or a predecessor thereof is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Municipal Affairs and Housing and to the planning board or planning boards having jurisdiction in any area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan. Effect of official plan R.S.O. 1980, c. 379

(6) The Municipal Board may order a division or redivision of a municipality into wards if, in the opinion of the Board, the annexation renders such division or redivision necessary or desirable. Division into wards

(7) The Municipal Board may, by any order made pursuant to an application under this section or by subsequent order or orders, Further powers of Municipal Board

(*a*) make all such adjustments of assets and liabilities as between the municipality and any local board affected by any such order as may be agreed upon or, in default of agreement, as the Board may consider equitable;

(*b*) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board may consider equitable;

(*c*) define special areas within the municipality as enlarged by such annexation having regard to the areas annexed thereto, and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;

R.S.O. 1980, c. 347

(*d*) appoint one or more referees, who shall have all the powers mentioned in section 52 of the *Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses (*a*), (*b*) and (*c*), or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting the report or varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby;

(*e*) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;

(*f*) subject to section 20, require the transfer of real property from any local board to the municipality or a local board thereof, and take any such transfer into consideration in the adjustments of assets and liabilities;

(*g*) vest real property of any local board in the municipality or a local board thereof and take any such vesting into consideration in the adjustments of assets and liabilities;

(*h*) make all such provisions for the composition of the council and any local boards, the fixing of days for

nominations, either before or subsequent to the day on which the annexation becomes effective, the appointment of returning officers, the holding of elections, the qualifications of candidates and electors, the preparation of first polling lists and assessment rolls, the fixing of days for first meetings of the council and any local boards, and for such other matters as it may consider necessary to provide for the effective administration of the enlarged municipality or of any local board thereof;

(*i*) direct the name that shall be borne by the enlarged municipality;

(*j*) where the holder of an operating licence under the *Public Vehicles Act* is adversely affected by the annexation, R.S.O. 1980, c. 425

(i) authorize the municipality to pay to the holder of the licence in respect of such adverse effect the amount of compensation agreed upon, or

(ii) direct what compensation, if any, shall be paid by the municipality to the holder of the licence in respect of such adverse effect;

(*k*) where by reason of any annexation order made under this section the taxable assessment of a locality as defined in the *Education Act* is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to the effective date of such annexation, authorize and direct the payment to a school board thereof by the annexing municipality or a school board thereof, to relieve such school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipality and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable; R.S.O. 1980, c. 129

(*l*) where by reason of annexation orders made under this section within any three-year period the taxable assessment of a locality as defined in the *Education Act* is reduced by not less than a total of 15 per cent as shown by the last revised assessment rolls prior to the effective date of each of such annexations, and no order has been made under clause (*k*), authorize and direct the payment to a school board therein by the annexing municipality or a school board thereof, to relieve such

school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the last annexation in such amounts and manner as may be agreed upon between the municipality and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable after a public hearing in each case;

(*m*) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the annexation provided for in such order;

(*n*) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis than the last revised assessment of the annexing municipality and is therefor not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof, provided that an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation.

Urban service areas

(8) The Municipal Board may, by any order made pursuant to an application under this section or a predecessor thereof or by subsequent order or orders, define urban services and cost of urban services and establish and, after establishment, alter one or more urban service areas within the municipality as enlarged by an annexation and determine the manner in which and upon what lands or rateable property the cost of providing urban services is to be levied and raised by the municipality, and determine the manner in which and upon what lands or rateable property the liabilities, in respect of urban services of any annexed locality or area as it existed prior to the annexation, shall be discharged by the imposition of rates in an urban service area.

Effect of order on exemptions

(9) An order under subsection (8) does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application of R.S.O. 1980, c. 31, s. 20

(10) Section 20 of the *Assessment Act* applies to lands situated in an urban service area with respect to taxation or rates levied under or by virtue of an order made under this subsection as if the urban service area were the whole municipality.

Determination of compensating grants by Board

(11) Where compensating grants are to be determined by the Municipal Board under clause (7) (*k*), the determination shall not

be made until after one complete fiscal year of the municipality has elapsed following the date of the annexation.

Municipal Board may make rules, etc.

(12) The Municipal Board may make such rules and regulations and issue such orders and directions in respect of any matter not specifically provided for in this section as it considers necessary or desirable in connection with any such annexation and every such rule, regulation, order and direction is valid and binding upon all municipalities and local boards interested in or affected thereby.

Provisions of this section to prevail

(13) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding any other provision in this Act or any other special or general Act and, in the event of any conflict between the provisions of this section and the other provisions of this Act or any other special or general Act, the provisions of this section prevail.

Decision granting annexation

R.S.O. 1980, c. 347

(14) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision of the Municipal Board providing for an annexation or refusing an application for an annexation and such decision,

(*a*) shall be in writing;

(*b*) shall identify the area to be annexed; and

(*c*) shall fix the date when the annexation shall be effective,

and a copy of the decision shall be sent by the secretary of the Board by registered mail to the clerk of every municipality, including every county, affected by the decision, and to such other persons as the Board may direct.

Notice of objection

(15) No order shall be made under subsection (2) until the expiration of twenty-eight days after the mailing of the copies of the decision under subsection (14) and, within such period of twenty-eight days, notice of objection to the decision may be filed with the Clerk of the Executive Council.

Idem

(16) For the purposes of subsection (15), the notice of objection means an objection in writing, giving reasons therefor, that, according to the certificate of the clerk of the municipality, is signed by not less than 10 per cent of the persons qualified to vote who are resident in,

(*a*) the municipality that has applied for the order; or

(*b*) the area that by the decision is to be annexed to the applicant municipality,

and includes, where there are no persons qualified to vote who are resident in the area to be annexed, an objection in writing, giving reasons therefor, authorized by resolution of a school board having jurisdiction in the locality in which such area is situated.

Withdrawal of objection

(17) An objection filed under subsection (15) may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant Governor in Council has made an order under subsection (18), of a notice in writing of such withdrawal signed by one-third or more of the objectors provided that the then remaining objectors constitute not more than 10 per cent of the persons who were entitled to sign the objection under subsection (16), or, where the objection was authorized by a school board, of a certified copy of a resolution repealing the authorizing resolution.

Powers of Lieutnant Governor in Council

(18) Where an objection is filed in accordance with subsections (15) and (16) and is not withdrawn, the Lieutenant Governor in Council may by order,

(*a*) confirm the decision of the Municipal Board; or

(*b*) require the Municipal Board to hold a new public hearing of the annexation application before such members of the Board as the Lieutenant Governor in Council may designate.

Finality of decision

(19) The decision of the Municipal Board,

(*a*) where no objection is filed in accordance with subsections (15) and (16) or where the objections thereto are withdrawn in accordance with subsection (17); or

(*b*) when confirmed by the Lieutenant Governor in Council; or

(*c*) after a new public hearing ordered by the Lieutenant Governor in Council,

is final and not open to appeal, and the Board may thereupon make an order under subsection (2).

Application of R.S.O. 1980, c. 347, s. 95

(20) Nothing in this section affects the application of section 95 of the *Ontario Municipal Board Act*.

Adding parts to municipality in a county or another territorial district

(21) Where an area becomes part of a local municipality in a county or another territorial district, it thereafter forms part of that county or territorial district, except for the purpose of representation in the Assembly.

(22) When an order is made under subsection (2), it shall be registered as required by section 63 of the *Registry Act* as soon as practicable after the effective date of the order, Registration of order under R.S.O. 1980, c. 445, s. 63

(*a*) where the order is made upon the application of the Minister, by the Minister; and

(*b*) where the order is made upon the application of a municipality, by the clerk of the municipality.

(4) Subsection 15 (3) of the said Act is amended by striking out "(19) to (25)" in the second line and inserting in lieu thereof "(14) to (20)". R.S.O. 1980, c. 302, s. 15 (3), amended

(5) Subsection 17 (2) of the said Act is repealed. R.S.O. 1980, c. 302, s. 17 (2), repealed

(6) Sections 18, 19, 20 and 21 of the said Act are repealed and the following substituted therefor: R.S.O. 1980, c. 302, ss. 18-21, re-enacted

18. Except where otherwise ordered by the Municipal Board, where a locality is annexed to a municipality, the by-laws of the municipality extend to the locality and any by-laws then in force in the locality cease to apply to it. By-laws in force in annexed territory

19.—(1) Where, Assets, etc., on erections

(*a*) an improvement district is erected into a village, township or town;

(*b*) a village or township is erected into a town; or

(*c*) a village, town or township is erected into a city,

all the assets and liabilities of the former municipality and its local boards are assets and liabilities of the new municipality and its local boards, and the new municipality and its local boards for all purposes stand in the place and stead of the former municipality and its local boards.

(2) Without limiting the generality of subsection (1), the new municipality has the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the former municipality, including those for the year in which the erection takes place, as if such taxes had been imposed by the new municipality. Idem

20. Unless otherwise ordered by the Municipal Board, where a township is separated from a union of townships, the real property belonging to the union of townships and situated in the separated township belongs to and is vested in the separated Disposition of real property on separation from union of townships

township and the remainder of the real property is the property of the remainder of the union.

Unpaid taxes

21.—(1) Except where otherwise provided by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, any taxes that are unpaid at the time the incorporation takes effect belong to the newly incorporated municipality and may be collected and recovered by it as if they had been imposed by it.

Idem

(2) The unpaid taxes, the right to collect and recover which is transferred to the newly incorporated municipality under subsection (1), shall be taken into consideration upon the adjustment of assets and liabilities consequent upon the incorporation.

R.S.O. 1980, c. 302, s. 22 (2), repealed

(7) Subsection 22 (2) of the said Act is repealed.

Transitional

24.—(1) Notwithstanding subsection 23 (3) of this Act, where the Municipal Board has, on or before the day this Act comes into force, received an application under section 14 of the *Municipal Act*, the Board shall hear and determine the subject-matter of the application and section 14 of the *Municipal Act* as it existed on the day before the day this Act comes into force continues to apply but unless the Board has made an order finally determining the matter within two years of the day this Act comes into force, the application shall be deemed to have been withdrawn.

R.S.O. 1980, c. 302

Idem

(2) Notwithstanding subsections 23 (5), (6) and (7) of this Act, subsection 17 (2) and sections 18, 19, 20, 21 and 22 of the *Municipal Act*, as they existed on the day before this Act comes into force, continue to apply to annexations or amalgamations provided for by statute or Municipal Board order.

Commencement

25. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

26. The short title of this Act is the *Municipal Boundary Negotiations Act, 1981*.



An Act to facilitate the Negotiation and Resolution of Municipal Boundary and Boundary-related Issues

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1st Reading

October 15th, 1981

2nd Reading

November 26th, 1981

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Reprinted as amended by the Committee of the Whole House)

BILL 147

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to facilitate the Negotiation and Resolution of Municipal Boundary and Boundary-related Issues

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
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BILL 147 1981

An Act to facilitate the Negotiation and Resolution of Municipal Boundary and Boundary-related Issues

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "local board" means a local board as defined in the *Municipal Affairs Act*; R.S.O. 1980, c. 303

(*b*) "Minister" means the Minister of Municipal Affairs and Housing;

(*c*) "Municipal Board" means the Ontario Municipal Board;

(*d*) "municipality" includes a metropolitan, regional or district municipality and the County of Oxford;

(*e*) "party municipality" means a municipality having a substantial interest in an issue raised by an application under section 2 as determined by the Minister or the chief negotiator.

2. The council of a municipality that desires the resolution of an intermunicipal boundary issue or an intermunicipal boundary-related issue may by by-law apply to the Minister for the initiation of the procedures provided for in this Act. Application to Minister

3.—(1) Section 2 does not apply to any metropolitan, regional or district municipality or the County of Oxford or to any area municipality in a metropolitan, regional or district municipality or the County of Oxford, except in respect of an intermunicipal boundary issue or the resolution of an intermunicipal boundary-related issue that is, in the opinion of the Minister, of a minor nature. Where s. 2 does not apply

Issues to which Act does not apply

(2) Where the Minister or a chief negotiator determines that a metropolitan, regional or district municipality or the County of Oxford or an area municipality thereof is a party municipality in respect of any issue raised by an application made under section 2 that is not in the opinion of the Minister of a minor nature, the provisions of this Act do not apply to that issue.

Inquiry by the Minister

4.—(1) Following receipt of an application under section 2, the Minister may determine and inquire into the issues raised by the application, determine the party municipalities, obtain the opinion of any local board that the Minister considers is affected by the application, and send to the clerk of each party municipality a report setting out the issues, the party municipalities and such other matters as the Minister considers appropriate.

Where opinion of school boards to be obtained

(2) Where the Minister has inquired into the issues raised by an application, the Minister shall obtain the opinion of any school board that he considers is affected by the application.

Information

5. A party municipality shall make available to the Minister all information in its possession or to which it has access, relevant to the issues raised, that the Minister requires.

Powers of Minister

6.—(1) Following the sending of a report under section 4, the Minister may,

(*a*) recommend to the Assembly such legislative measures as he considers appropriate to implement any agreement reached by the party municipalities; or

(*b*) recommend to the Lieutenant Governor in Council the making of an order under section 14 to implement any agreement reached by the party municipalities; or

(*c*) where agreement has not been reached by the party municipalities, direct that the council of each party municipality appoint, within twenty-eight days or such longer period as he may stipulate, such number of persons, members of council at the time of their appointment, as he considers appropriate to negotiate and recommend agreements on behalf of the municipality in respect of any intermunicipal boundary issue or boundary-related issue; or

(*d*) take such other action as the Minister considers appropriate.

Failure to appoint members to negotiating committee

(2) Where a party municipality fails to appoint members to the negotiating committee within the time stipulated by the Minister in a direction under clause (1) (*c*), the Minister may appoint from among the members of the council of the municipality the requisite number of persons to be members of the committee.

7. Following the appointment of members of the negotiating committee under clause 6 (1) (*c*) or subsection 6 (2), the Minister shall appoint a person to serve as chief negotiator. Appointment of chief negotiator

8.—(1) The chief negotiator and the persons appointed under clause 6 (1) (*c*) or subsection 6 (2) jointly constitute the negotiating committee. Constitution of negotiating committee

(2) The council of a party municipality and each negotiator shall act responsibly and in good faith to assist and facilitate negotiation and shall make every reasonable effort to reach an agreement on the issues raised by the application. Duties of negotiators, etc.

9.—(1) The Minister may, at any time, constitute one or more Issues Review Panels composed of such three persons as the Minister designates. Constitution of Issues Review Panel

(2) Where a negotiating committee has been constituted under section 8, the Minister shall constitute an Issues Review Panel, composed of such three persons as the Minister designates, in respect of that committee. Idem

10.—(1) The Minister may, at any time, submit to an Issues Review Panel constituted under subsection 9 (1) a question for the advice of the Panel. Submission of question to Panel

(2) The Minister, a chief negotiator or a negotiating committee may at any time submit to the Issues Review Panel constituted under subsection 9 (2) in respect of that negotiating committee a question for the advice of the Panel. Idem

11.—(1) The chief negotiator shall, Powers and duties of chief negotiator

(*a*) act as chairman of the negotiating committee;

(*b*) prepare a negotiation timetable in the event that the negotiating committee is unable to agree on a timetable;

(*c*) prepare and submit to the Minister and to the clerk of each party municipality one or more reports as the chief negotiator considers appropriate setting out,

(i) the party municipalities in respect of each issue, if different from those determined by the Minister under section 4,

(ii) the extent of agreement or disagreement within the negotiating committee on the issues negotiated,

(iii) any agreement which the negotiating committee wishes to recommend,

(iv) the chief negotiator's recommendations to the Minister with respect to the further consideration of the application, and

(v) such other matters as the chief negotiator considers appropriate.

Appointment of members to negotiating committee by new party municipality

(2) Where the chief negotiator in a report sets out a municipality that is not represented on the negotiating committee as a party municipality, the council of that municipality shall appoint members to the negotiating committee in accordance with the direction of the Minister and subsection 6 (2) applies with necessary modifications.

Holding of meetings

12.—(1) Upon receipt of a report of a chief negotiator under clause 11 (1) (*c*) that sets out an agreement mentioned in subclause (iii) of that clause, the council of each party municipality shall, and in all other cases, the council of each party municipality may,

(*a*) hold one or more information meetings, which may be held jointly with any other party municipality, for the purpose of informing the public of the contents of the report; and

(*b*) invite and consider at a meeting of council submissions and comments of the public in respect of the contents of the report; and

(*c*) not later than ninety days following the receipt of the report of the chief negotiator, or such longer period as the Minister stipulates, inform the Minister in writing of the opinion of the council on each issue in respect of which the municipality is a party municipality.

Notice of meetings

(2) Notice of an information meeting required under clause (1) (*a*) and of a meeting required under clause (1) (*b*) shall be given by publication in a newspaper having general circulation in the municipality at least fifteen days in advance of each meeting, and the meeting required under clause (1) (*b*) shall be held not sooner than fifteen days after the last information meeting required under clause (1) (*a*).

Powers of Minister

13. After the expiration of the time for informing the Minister of the opinions of the councils of the party municipalities under section 12, the Minister may,

(*a*) where agreement has been reached by the party municipalities, recommend to the Lieutenant Governor in Council the making of an order under section 14;

(*b*) refer any issue not agreed upon to the negotiating committee or to the party municipalities for further consideration;

(*c*) refer any issue not agreed upon to an Issues Review Panel for the advice of the Panel;

(*d*) terminate further consideration of the application;

(*e*) refer any issue to the Municipal Board to hear any party municipality, and after a hearing, to make recommendations thereon;

(*f*) recommend to the Assembly legislation in respect of any of the issues raised by the application; or

(*g*) take such other action as the Minister considers appropriate.

Order of Lieutenant Governor in Council

14. Subject to sections 17 and 18 but notwithstanding the provisions of any other general or special Act, the Lieutenant Governor in Council may by order, upon the recommendation of the Minister,

(*a*) give effect to agreements of party municipalities in respect of the resolution of an intermunicipal boundary issue or an intermunicipal boundary-related issue; or

(*b*) where the Minister has referred one or more issues to the Municipal Board under clause 13 (*e*), give effect to or vary the recommendations of the Municipal Board,

and any such order may provide for one or more of the following:

1. The annexation of the whole or any part or parts of a party municipality to another party municipality.

2. The amalgamation of a party municipality with one or more party municipalities.

3. A requirement for joint approval by party municipalities of any subsequent application for an annexation or amalgamation.

4. The adoption by any party municipality of an official plan or amendments thereto or the passage of a

restricted area by-law or amendments thereto, but the plan or amendments thereto adopted or the by-law or amending by-laws passed are subject to the approval under the *Planning Act* of the Minister or of the Municipal Board, as the case may be.

R.S.O. 1980, c. 379

5. A requirement for joint approval of any subsequent amendments to official plans or restricted area by-laws of any party municipality passed under the *Planning Act*.

6. The level or apportionment of expenditures incurred in respect of any joint municipal service or any service provided by a joint local board.

7. Special provision for the assessment of real property and the preparation of assessment rolls in respect of annexed or amalgamated areas.

8. The provision of any service by one party municipality or local board thereof to the whole or any part or parts of any other party municipality or local board thereof, the rates, prices and charges in respect of the service, the manner in which and upon what lands or rateable property the cost of the service is to be levied and raised and the manner in which and upon what lands or rateable property the liabilities in respect of service previously provided by any party municipality are to be discharged.

9. The continuation or otherwise of by-laws in annexed or amalgamated areas.

10. The requirement for and the methods of arbitration with respect to any issue.

11. The adjustment of assets and liabilities as between any party municipalities or local boards thereof, including unpaid taxes and the right to collect such taxes.

12. The creation, amalgamation and dissolution of any local boards of party municipalities and provision for the adjustment of assets and liabilities of such local boards.

13. The establishment of special areas within any party municipality that are to be subject to special rates and charges, including the adjustment of the rights, claims, liabilities and obligations of the ratepayers of any such areas and the extent to which the liabilities of any party

municipality shall be discharged by the imposition of rates upon the rateable property in such areas.

14. The payment of money or the transfer of real property from any party municipality or local board thereof to any other party municipality or local board thereof including the payment of compensating grants by any party municipality or local board thereof to any other party municipality or local board.

15. The composition and term of office of the council of any party municipality or of any local board thereof.

16. The division or redivision of any party municipality into wards.

17. The holding of elections in part or all of any party municipality, the qualifications of candidates and electors, the preparation of polling lists, the fixing of nomination day, the fixing of days for first meetings of councils and local boards and for such other matters as the Lieutenant Governor in Council considers necessary to provide for the effective administration of any party municipality or of any local board thereof.

18. The change in status of any party municipality.

19. The authority for any party municipality to use, acquire or service land located in another party municipality.

20. The deeming of agreements in respect of the matters mentioned in paragraphs 6, 8 and 14 to be matters within the meaning of subsection 149 (2) of the *Municipal Act*. R.S.O. 1980, c. 302

21. The level at which payment may be made to a party municipality by any ministry under any program of that ministry.

22. The transitional protection of employees of party municipalities and local boards thereof.

23. Where the holder of an operating licence under the *Public Vehicles Act* is adversely affected, the payment of compensation by a party municipality to the holder of the licence in respect of such adverse effect. R.S.O. 1980, c. 425

24. The exercise, or the witholding of the exercise, by any party municipality of its powers under any general or special Act.

Exemption from taxation not affected

15. An order under section 14 does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application of R.S.O. 1980, c. 31, s. 20

16. Section 20 of the *Assessment Act* applies to lands situated in any service area created under paragraph 8 or 13 of section 14 in respect of taxation or rates levied under or by virtue of an order made under section 14 as if the service area were the whole municipality.

Notice of intention to make order

17.—(1) No order shall be made under section 14 until twenty-eight days after the Clerk of the Executive Council has given public notice by publication in a newspaper or newspapers having general circulation in the party municipalities of the intention to make the order.

Filing of objection

(2) Any person may file notice of objection to the proposed issuance of an order with the Clerk of the Executive Council within the period of twenty-eight days, and the objection shall be in writing and give reasons therefor.

Where objections received

18. Where objections are received under subsection 17 (2), no order shall be made until the Lieutenant Governor in Council has done one or more of the following:

1. Referred any matter to which objection has been made to the party municipalities for consideration and to determine whether the intermunicipal agreement may be adjusted to meet the objection or objections.

2. Sought the advice of an Issues Review Panel with respect to one or more of the objections.

3. Appointed one or more hearing officers to hear any objections and, following a hearing under rules of procedure adopted by the hearing officer or officers, to make recommendations thereon.

4. Referred one or more objections to the Municipal Board to hear such objection or objections, and after a hearing, to make recommendations thereon.

5. Decided that the objection or objections is or are outweighed by the public interest.

19. Where in the opinion of the Minister an order made under section 14 does not fully carry out the intent and purpose that was intended, the Lieutenant Governor in Council may on the recommendation of the Minister, amend or revoke any such order and, unless the Lieutenant Governor in Council determines otherwise, section 17 does not apply to any such subsequent order. Rescinding, altering, etc., of order

20.—(1) The Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, provide financial assistance to any party municipality in respect of the costs incurred by the municipality in carrying out studies related to the issue or issues raised by an application. Financial assistance

(2) The Minister may require that the party municipalities contribute to the costs incurred by the Province as the result of an application under section 2, including the costs of studies undertaken, in such proportion as the Minister considers appropriate. Contribution to costs

21. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are necessary or advisable to carry out effectively the purposes or intent of this Act. General

22. Any power or duty conferred on the Minister by section 4, 7, 9 or 10 may be delegated by him in writing, subject to such limitations, conditions and requirements as the Minister may set out in his delegation, to the Deputy Minister of Municipal Affairs and Housing or to any officer of the Ministry of Municipal Affairs and Housing who may act for him in his place and stead, and when the Deputy Minister of Municipal Affairs and Housing or such officer acts in the place and stead of the Minister, it shall be presumed conclusively that he acted in accordance with such delegation. Delegation

23.—(1) Section 11 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: R.S.O. 1980, c. 302, s. 11, re-enacted

11.—(1) Upon the application of an improvement district having a population of not less than 500, the Municipal Board may erect the improvement district into a village or a township. Erection of improvement district, as village or township

(2) Upon the application of an improvement district having a population of not less than 2,000, the Municipal Board may erect the improvement district into a town. as town

(3) Upon the application of a village or township having a population of not less than 2,000, the Municipal Board may erect the village or township into a town. Erection of village or township into town

Erection of village, town or township into a city

(4) Upon the application, authorized by the Minister,

(*a*) of a village or town located in a county and having a population of not less than 15,000; or

(*b*) of a township located in a county and having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

Idem

(5) Upon the application,

(*a*) of a village or town not located in a county and having a population of not less than 15,000; or

(*b*) of a township not located in a county and having a population of not less than 25,000,

the Municipal Board may erect the village, town or township into a city.

Application to be authorized by by-law

(6) An application by an improvement district, village, town or township under this section shall be authorized by by-law of the board of trustees of the improvement district or the council of the village, town or township, as the case may be, and notice of the application shall be published in such manner as the Municipal Board may direct.

Enlargement of area of city or town to be erected

(7) An application for the erection of a city or town under this section may include an application for the annexation of any locality that does not form part of any municipality and which adjoins the applicant municipality and, where the Municipal Board considers it desirable that the adjoining locality, or any greater or smaller area, be included in the city or town, the Municipal Board may annex the locality or any greater or smaller area to the city or town in the order erecting it.

Idem

(8) Where it is proposed that an adjoining locality be annexed to the city or town to be erected, the application for the erection shall so state and shall designate the locality to be annexed, and the provisions of section 14 shall apply with respect to the part of the application, and the order thereon, dealing with the proposed annexation.

R.S.O. 1980, c. 302, s. 12 (3), amended

(2) Subsection 12 (3) of the said Act is amended by striking out "amalgamation or" in the fifth line and by striking out "14 (8), (11), (16) and (18)" in the sixth line and inserting in lieu thereof "14 (6), (7), (12) and (13)".

(3) Section 14 of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 302, s. 14, re-enacted

14.—(1) In this section, "local board" means a local board as defined in the *Municipal Affairs Act*. Interpretation R.S.O. 1980, c. 303

(2) Upon the application of any municipality authorized by by-law of the council thereof or upon the application of the Minister authorized by the Lieutenant Governor in Council, or upon the application of at least twenty-five inhabitants, being British subjects of the full age of eighteen years, the Municipal Board may by order on such terms as it may consider expedient, annex any locality that does not form part of any municipality to the municipality and any such order may annex a greater or smaller area or areas than the area or areas specified in the application. Annexations

(3) The Municipal Board, before proceeding with the application of the council of any municipality under subsection (2), may require that the by-law of the council shall receive the assent of the electors of such municipality. Assent of electors

(4) The Municipal Board before making any order under subsection (2), shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. Public hearing to be held by Board

(5) Where in a municipality affected by a proposed annexation an official plan approved under the *Planning Act* or a predecessor thereof is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Municipal Affairs and Housing and to the planning board or planning boards having jurisdiction in any area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan. Effect of official plan R.S.O. 1980, c. 379

(6) The Municipal Board may order a division or redivision of a municipality into wards if, in the opinion of the Board, the annexation renders such division or redivision necessary or desirable. Division into wards

(7) The Municipal Board may, by any order made pursuant to an application under this section or by subsequent order or orders, Further powers of Municipal Board

(*a*) make all such adjustments of assets and liabilities as between the municipality and any local board affected by any such order as may be agreed upon or, in default of agreement, as the Board may consider equitable;

(*b*) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Board may consider equitable;

(*c*) define special areas within the municipality as enlarged by such annexation having regard to the areas annexed thereto, and adjust the rights, claims, liabilities and obligations of the ratepayers of such areas and provide the extent to which the liabilities of such municipality shall be discharged by the imposition of rates upon the rateable property in such areas;

R.S.O. 1980, c. 347

(*d*) appoint one or more referees, who shall have all the powers mentioned in section 52 of the *Ontario Municipal Board Act*, to inquire into and report to the Board upon the adjustments of assets and liabilities and of rights, claims, liabilities and obligations referred to in clauses (*a*), (*b*) and (*c*), or any of them, the report to be filed with the Board within such time as the Board may from time to time allow, and the Board shall consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer it back to the referee or referees for further consideration, and the order of the Board adopting the report or varying or amending the report is final and conclusive and not open to question or appeal and is binding upon all municipalities and local boards affected thereby;

(*e*) fix the remuneration and expenses of the referee or referees and declare by whom and in what manner the remuneration and expenses shall be paid;

(*f*) subject to section 20, require the transfer of real property from any local board to the municipality or a local board thereof, and take any such transfer into consideration in the adjustments of assets and liabilities;

(*g*) vest real property of any local board in the municipality or a local board thereof and take any such vesting into consideration in the adjustments of assets and liabilities;

(*h*) make all such provisions for the composition of the council and any local boards, the fixing of days for

nominations, either before or subsequent to the day on which the annexation becomes effective, the appointment of returning officers, the holding of elections, the qualifications of candidates and electors, the preparation of first polling lists and assessment rolls, the fixing of days for first meetings of the council and any local boards, and for such other matters as it may consider necessary to provide for the effective administration of the enlarged municipality or of any local board thereof;

(*i*) direct the name that shall be borne by the enlarged municipality;

(*j*) where the holder of an operating licence under the *Public Vehicles Act* is adversely affected by the annexation, R.S.O. 1980, c. 425

(i) authorize the municipality to pay to the holder of the licence in respect of such adverse effect the amount of compensation agreed upon, or

(ii) direct what compensation, if any, shall be paid by the municipality to the holder of the licence in respect of such adverse effect;

(*k*) where by reason of any annexation order made under this section the taxable assessment of a locality as defined in the *Education Act* is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to the effective date of such annexation, authorize and direct the payment to a school board thereof by the annexing municipality or a school board thereof, to relieve such school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipality and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable; R.S.O. 1980, c. 129

(*l*) where by reason of annexation orders made under this section within any three-year period the taxable assessment of a locality as defined in the *Education Act* is reduced by not less than a total of 15 per cent as shown by the last revised assessment rolls prior to the effective date of each of such annexations, and no order has been made under clause (*k*), authorize and direct the payment to a school board therein by the annexing municipality or a school board thereof, to relieve such

school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the last annexation in such amounts and manner as may be agreed upon between the municipality and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board considers equitable after a public hearing in each case;

(*m*) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the annexation provided for in such order;

(*n*) after a public hearing, if the Board is of the opinion that the last revised assessment of an annexed area or any portion thereof is on a higher basis than the last revised assessment of the annexing municipality and is therefor not equitable therewith, direct what percentage of the rates for all purposes to be levied for taxation in the annexing municipality shall be levied in the annexed area or any portion thereof, provided that an order under this clause may be made only in respect of the rates to be levied in either the first or the first and second annual levies after the date of the annexation.

Urban service areas

(8) The Municipal Board may, by any order made pursuant to an application under this section or a predecessor thereof or by subsequent order or orders, define urban services and cost of urban services and establish and, after establishment, alter one or more urban service areas within the municipality as enlarged by an annexation and determine the manner in which and upon what lands or rateable property the cost of providing urban services is to be levied and raised by the municipality, and determine the manner in which and upon what lands or rateable property the liabilities, in respect of urban services of any annexed locality or area as it existed prior to the annexation, shall be discharged by the imposition of rates in an urban service area.

Effect of order on exemptions

(9) An order under subsection (8) does not affect any exemption or partial exemption from taxation or rates or provision therefor in any general or special Act.

Application of R.S.O. 1980, c. 31, s. 20

(10) Section 20 of the *Assessment Act* applies to lands situated in an urban service area with respect to taxation or rates levied under or by virtue of an order made under this subsection as if the urban service area were the whole municipality.

Determination of compensating grants by Board

(11) Where compensating grants are to be determined by the Municipal Board under clause (7) (*k*), the determination shall not

be made until after one complete fiscal year of the municipality has elapsed following the date of the annexation.

Municipal Board may make rules, etc.

(12) The Municipal Board may make such rules and regulations and issue such orders and directions in respect of any matter not specifically provided for in this section as it considers necessary or desirable in connection with any such annexation and every such rule, regulation, order and direction is valid and binding upon all municipalities and local boards interested in or affected thereby.

Provisions of this section to prevail

(13) The powers conferred upon the Municipal Board by this section may be exercised at any time or times notwithstanding any other provision in this Act or any other special or general Act and, in the event of any conflict between the provisions of this section and the other provisions of this Act or any other special or general Act, the provisions of this section prevail.

Decision granting annexation

R.S.O. 1980, c. 347

(14) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision of the Municipal Board providing for an annexation or refusing an application for an annexation and such decision,

(*a*) shall be in writing;

(*b*) shall identify the area to be annexed; and

(*c*) shall fix the date when the annexation shall be effective,

and a copy of the decision shall be sent by the secretary of the Board by registered mail to the clerk of every municipality, including every county, affected by the decision, and to such other persons as the Board may direct.

Notice of objection

(15) No order shall be made under subsection (2) until the expiration of twenty-eight days after the mailing of the copies of the decision under subsection (14) and, within such period of twenty-eight days, notice of objection to the decision may be filed with the Clerk of the Executive Council.

Idem

(16) For the purposes of subsection (15), the notice of objection means an objection in writing, giving reasons therefor, that, according to the certificate of the clerk of the municipality, is signed by not less than 10 per cent of the persons qualified to vote who are resident in,

(*a*) the municipality that has applied for the order; or

(*b*) the area that by the decision is to be annexed to the applicant municipality,

and includes, where there are no persons qualified to vote who are resident in the area to be annexed, an objection in writing, giving reasons therefor, authorized by resolution of a school board having jurisdiction in the locality in which such area is situated.

Withdrawal of objection

(17) An objection filed under subsection (15) may be withdrawn by the filing with the Clerk of the Executive Council, at any time before the Lieutenant Governor in Council has made an order under subsection (18), of a notice in writing of such withdrawal signed by one-third or more of the objectors provided that the then remaining objectors constitute not more than 10 per cent of the persons who were entitled to sign the objection under subsection (16), or, where the objection was authorized by a school board, of a certified copy of a resolution repealing the authorizing resolution.

Powers of Lieutnant Governor in Council

(18) Where an objection is filed in accordance with subsections (15) and (16) and is not withdrawn, the Lieutenant Governor in Council may by order,

(*a*) confirm the decision of the Municipal Board; or

(*b*) require the Municipal Board to hold a new public hearing of the annexation application before such members of the Board as the Lieutenant Governor in Council may designate.

Finality of decision

(19) The decision of the Municipal Board,

(*a*) where no objection is filed in accordance with subsections (15) and (16) or where the objections thereto are withdrawn in accordance with subsection (17); or

(*b*) when confirmed by the Lieutenant Governor in Council; or

(*c*) after a new public hearing ordered by the Lieutenant Governor in Council,

is final and not open to appeal, and the Board may thereupon make an order under subsection (2).

Application of R.S.O. 1980, c. 347, s. 95

(20) Nothing in this section affects the application of section 95 of the *Ontario Municipal Board Act*.

Adding parts to municipality in a county or another territorial district

(21) Where an area becomes part of a local municipality in a county or another territorial district, it thereafter forms part of that county or territorial district, except for the purpose of representation in the Assembly.

(22) When an order is made under subsection (2), it shall be registered as required by section 63 of the *Registry Act* as soon as practicable after the effective date of the order, Registration of order under R.S.O. 1980, c. 445, s. 63

(*a*) where the order is made upon the application of the Minister, by the Minister; and

(*b*) where the order is made upon the application of a municipality, by the clerk of the municipality.

(4) Subsection 15 (3) of the said Act is amended by striking out "(19) to (25)" in the second line and inserting in lieu thereof "(14) to (20)". R.S.O. 1980, c. 302, s. 15 (3), amended

(5) Subsection 17 (2) of the said Act is repealed. R.S.O. 1980, c. 302, s. 17 (2), repealed

(6) Sections 18, 19, 20 and 21 of the said Act are repealed and the following substituted therefor: R.S.O. 1980, c. 302, ss. 18-21, re-enacted

18. Except where otherwise ordered by the Municipal Board, where a locality is annexed to a municipality, the by-laws of the municipality extend to the locality and any by-laws then in force in the locality cease to apply to it. By-laws in force in annexed territory

19.—(1) Where, Assets, etc., on erections

(*a*) an improvement district is erected into a village, township or town;

(*b*) a village or township is erected into a town; or

(*c*) a village, town or township is erected into a city,

all the assets and liabilities of the former municipality and its local boards are assets and liabilities of the new municipality and its local boards, and the new municipality and its local boards for all purposes stand in the place and stead of the former municipality and its local boards.

(2) Without limiting the generality of subsection (1), the new municipality has the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the former municipality, including those for the year in which the erection takes place, as if such taxes had been imposed by the new municipality. Idem

20. Unless otherwise ordered by the Municipal Board, where a township is separated from a union of townships, the real property belonging to the union of townships and situated in the separated township belongs to and is vested in the separated Disposition of real property on separation from union of townships

township and the remainder of the real property is the property of the remainder of the union.

Unpaid taxes

21.—(1) Except where otherwise provided by the Municipal Board, where a locality is incorporated as an improvement district, township, village or town, any taxes that are unpaid at the time the incorporation takes effect belong to the newly incorporated municipality and may be collected and recovered by it as if they had been imposed by it.

Idem

(2) The unpaid taxes, the right to collect and recover which is transferred to the newly incorporated municipality under subsection (1), shall be taken into consideration upon the adjustment of assets and liabilities consequent upon the incorporation.

R.S.O. 1980, c. 302, s. 22 (2), repealed

(7) Subsection 22 (2) of the said Act is repealed.

Transitional

24.—(1) Notwithstanding subsection 23 (3) of this Act, where the Municipal Board has, on or before the day this Act comes into force, received an application under section 14 of the *Municipal Act*, the Board shall hear and determine the subject-matter of the application and section 14 of the *Municipal Act* as it existed on the day before the day this Act comes into force continues to apply but unless the Board has made an order finally determining the matter within two years of the day this Act comes into force, the application shall be deemed to have been withdrawn.

R.S.O. 1980, c. 302

Idem

(2) Notwithstanding subsections 23 (5), (6) and (7) of this Act, subsection 17 (2) and sections 18, 19, 20, 21 and 22 of the *Municipal Act,* as they existed on the day before this Act comes into force, continue to apply to annexations or amalgamations provided for by statute or Municipal Board order.

Commencement

25. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

26. The short title of this Act is the *Municipal Boundary Negotiations Act, 1981*.



An Act to facilitate the Negotiation and Resolution of Municipal Boundary and Boundary-related Issues

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1st Reading

October 15th, 1981

2nd Reading

November 26th, 1981

3rd Reading

December 17th, 1981

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

BILL 148 Private Member's Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Residential Tenancies Act

Mr. Wildman

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The effect of the amendment is to have Part XI of the Act, dealing with rent review, apply to rent units operated by municipalities.

BILL 148 1981

An Act to amend the Residential Tenancies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 134 (1) (*a*) of the *Residential Tenancies Act*, being chapter 452 of the Revised Statutes of Ontario, 1980, is amended by striking out "or a municipality, including a regional, district or metropolitan municipality" in the third, fourth and fifth lines. s. 134 (1) (*a*), amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Residential Tenancies Amendment Act, 1981*. Short title

An Act to amend the
Residential Tenancies Act

1st Reading

October 15th, 1981

2nd Reading

3rd Reading

MR. WILDMAN

(*Private Member's Bill*)

BILL 149 Private Member's Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to safeguard Terminal Operators

Mr. Kolyn

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The purpose of the Bill is to set out standards for terminals and equipment used therewith, eye care for terminal operators and education of operators concerning hazards involved. Rest periods are made a requisite. Reimbursement for cost of required eye care is provided.

BILL 149 1981

An Act to safeguard Terminal Operators

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act, "terminal" includes electronic video screen data presentation machines, commonly called video display terminals or cathode-ray tubes, but does not include television or oscilloscope screens except to the extent that they are used as terminals for presentation of verbal or numerical data.

Duty of employer

2. No employer shall permit terminal operators employed by him to work except in accordance with the following conditions:

1. Glare within an office within which an employee is working shall be moderated by use of indirect lighting, recessed direct lighting or antireflection fillers on terminals.

2. Every terminal operated on behalf of the employer shall be arranged so that primary heat exhausts, without intervening ducts, walls or insulation, shall not be within four feet of any place where an employee is stationed.

3. Every terminal operated on behalf of the employer shall receive maintenance every six months to ensure clear presentation of display and proper functioning of all display adjustments.

Idem

3. Every employer of a terminal operator shall,

(*a*) post a copy of this Act in a prominent place where the operator is working;

(*b*) provide information to the operator in respect of the hazards associated with terminal use and the symptons associated therewith; and

(*c*) provide instruction on the precautions that the operator may take to minimize any hazard.

Annual examination

4. Every employer of a terminal operator shall permit the operator to attend an annual ophthalmological examination during paid working hours and shall reimburse the operator for any cost in respect of the examination for which the operator is not otherwise reimbursed and for the cost of any lenses required by the operator.

Rest periods

5. Every employer of a terminal operator shall allow the operator a fifteen minute rest period with pay for every two hours that the operator works and shall not cause the operator to work any continuous period exceeding two hours.

Equipment

6.—(1) No employer shall cause a terminal operator to work at a terminal that is not equipped,

(*a*) with a detachable keyboard or other device that allows the operator to maintain correct viewing posture and proper typing position; and

(*b*) with brightness and contrast controls that are readily adjustable by the operator.

Non-application

(2) Subsection (1) does not apply in respect of terminals in use on the day this Act comes into force.

Furniture

7. Every employer of a terminal operator shall provide all operators employed by him with,

(*a*) a chair capable of adjustment for seat and backrest heights and backrest tension; and

(*b*) an adjustable table for holding the terminal at which the operator works.

Offence

8. Every person who contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not more than $1,000.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. The short title of this Act is the *Terminal Operators Safeguard Act, 1981*.

An Act to safeguard Terminal Operators

1st Reading

October 15th, 1981

2nd Reading

3rd Reading

MR. KOLYN

(*Private Member's Bill*)

BILL 150 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. The added definition is complementary to sections 3 and 7 of the Bill.

Section 2. Section 9 (3) of the Act prohibits the issuance of a permit for a motor vehicle or trailer that has a gross weight exceeding 2,750 kilograms where the manufacturer's serial number has been obliterated unless evidence of ownership is provided. The weight limit is being reduced to 1,360 kilograms.

Section 3. The new provision prohibits driving motor vehicles on a highway or drawing certain types of trailers on a highway that do not have affixed a manufacturer's vehicle identification number in the case of motor vehicles, or an identification number, in the case of trailers.

BILL 150 1981

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph: s. 1 (1), amended

38*a*. "trailer converter dolly" means a device consisting of one or more axles, a fifth wheel lower-half and a tow bar.

2. Subsection 9 (3) of the said Act is amended by striking out "2,750 kilograms" in the second line and inserting in lieu thereof "1,360 kilograms". s. 9 (3), amended

3. The said Act is amended by adding thereto the following section: s. 9*a*, enacted

9*a*.—(1) No owner of a motor vehicle shall drive or permit his motor vehicle to be driven on a highway unless the motor vehicle has the manufacturer's vehicle identification number permanently affixed. Manufacturer's vehicle identification number to be affixed

(2) No owner of, Idem

(*a*) a trailer that has a manufacturer's gross vehicle weight rating exceeding 1,360 kilograms;

(*b*) a conversion unit; or

(*c*) a trailer converter dolly,

shall draw or permit the trailer, conversion unit or trailer converter dolly to be drawn on a highway unless the trailer, conversion unit or trailer converter dolly, as the case may be, has an identification number permanently affixed.

s. 35, re-enacted

4. Section 35 of the said Act is repealed and the following substituted therefor:

Driving while driver's licence suspended

35.—(1) Every person who drives a motor vehicle on a highway while his driver's licence is suspended under an Act of the Legislature or a regulation made thereunder is guilty of an offence and on conviction is liable,

(*a*) for a first offence, to a fine of not less than $250 and not more than $2,000; and

(*b*) for each subsequent offence, to a fine of not less than $500 and not more than $2,000,

or to imprisonment for a term of not more than six months, or to both.

Subsequent offence

(2) Where a person who has previously been convicted of an offence under subsection (1) is convicted of the same offence within five years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause (1) (*b*).

Licence suspended

(3) The driver's licence of a person who is convicted of an offence under subsection (1) is thereupon suspended for a period of six months in addition to any other period for which the licence is suspended, and consecutively thereto.

s. 36, amended

5. Section 36 of the said Act is amended by striking out "this Act or the regulations" in the first and second lines and inserting in lieu thereof "an Act of the Legislature or a regulation made thereunder".

s. 42 (2), amended

6.—(1) Subsection 42 (2) of the said Act is amended by striking out "2,750 kilograms" in the third line and inserting in lieu thereof "1,360 kilograms".

s. 42 (3), amended

(2) Subsection 42 (3) of the said Act is amended by striking out "2,750 kilograms" in the fourth line and inserting in lieu thereof "1,360 kilograms".

s. 43, amended

7. Section 43 of the said Act is amended by adding thereto the following clause:

(*d*) "vehicle", in addition to the meaning set out in subsection 1 (1), includes a conversion unit and a trailer converter dolly.

SECTION 4. The Act now provides that a person who drives a motor vehicle on a highway while his licence is suspended by operation of the Act is guilty of an offence. Driving while one's licence is suspended by operation of any other Act was treated as an offence under the *Criminal Code* (Canada). However, a court decision in February of this year ruled that the pertinent provision of the *Criminal Code* (Canada) was *ultra vires* the Federal government. Accordingly, the new provision is designed to fill the gap left by the court decision. In addition, the maximum penalty for driving with licence suspended is being increased to a fine of $2,000, together with imprisonment, from a maximum fine of $500, and conviction under the section will carry a mandatory six months suspension of the person's driver's licence.

SECTION 5. This amendment is complementary to section 4 of the Bill and the same explanation applies.

SECTION 6. The Act currently prohibits buying, selling, wrecking, etc., trailers that have a gross weight exceeding 2,750 kilograms where the manufacturer's serial number or identifying mark is obliterated. The amendment lowers the weight limit to 1,360 kilograms. The Act makes it an offence to remove a manufacturer's serial number or identifying mark from trailers that have a gross weight exceeding 2,750 kilograms. The weight limit is also being reduced to 1,360 kilograms.

SECTION 7. Section 43 of the Act sets out the meanings of certain words used in Part V of the Act which deals with equipment requirements. The proposed amendment expands the meaning of vehicle for purposes of Part V.

SECTION 8. Currently a police officer may require a driver of a motor vehicle to submit the vehicle to an examination to test for unsafe conditions. The provision as recast gives the officer the option of requiring either the driver or the owner of the vehicle to submit it to the examination.

The authority to make regulations prescribing forms in conjunction with the examination is given.

SECTION 9. The subsections being repealed deal with weight restrictions during spring months. The subject-matter of these subsections is dealt with in the new section 104*a* of the Act. (section 10 of the Bill).

The penalty provision is recast to reflect that subsections are being deleted.

8. Section 65 of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 65, re-enacted

65.—(1) Every constable and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver or owner of any motor vehicle or motor assisted bicycle to submit such motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to such examinations and tests as the constable or officer may consider expedient. Examination of vehicle

(2) Where any such vehicle, equipment or trailer is found to be in a dangerous or unsafe condition, the constable or officer making the examination or tests may require the driver or owner of the vehicle to proceed to have the vehicle, equipment or trailer placed in a safe condition and may order the vehicle or trailer to be removed from the highway and may prohibit the operation of the vehicle or trailer on the highway until the vehicle, equipment or trailer has been placed in a safe condition. Use of unsafe vehicle prohibited

(3) Every person who refuses or fails to comply with a requirement made under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $500. Penalty

(4) Subsection (3) does not apply unless the constable or officer has given to the person a written notice in the prescribed form requiring him to submit the motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to examination and tests. Notice requiring examination and tests

(5) Where the operation of a motor vehicle, motor assisted bicycle or trailer has been prohibited under subsection (2), the constable or officer may seize the number plates of the vehicle or trailer that is in a dangerous or unsafe condition and hold them until such vehicle or trailer has been placed in a safe condition. Seizure of plates

(6) The Lieutenant Governor in Council may make regulations prescribing forms for the purposes of subsection (4). Forms

9. Subsections 104 (6) to (14) of the said Act are repealed and the following substituted therefor: s. 104 (6), re-enacted s. 104 (7-14), repealed

(6) Every person who contravenes any of the provisions of subsection (1) is guilty of an offence and on conviction is liable to a fine as if he had been convicted under section 106 and the Registrar may suspend the permit issued under section 7 for the vehicle or vehicles involved, and the suspension shall continue until a new permit at the maximum gross vehicle weight allowable has been issued for the vehicle or vehicles and the fee therefor has been paid. Penalty

ss. 104*a*, 104*b*, enacted

10. The said Act is amended by adding thereto the following sections:

Weight load

104*a*.—(1) Subject to section 93, during a reduced load period no commercial motor vehicle or trailer, other than a public vehicle or a vehicle referred to in subsection (2), shall be operated or drawn upon any designated highway where the weight upon an axle exceeds 5,000 kilograms.

Idem

(2) Subject to section 93, during a reduced load period,

(*a*) no two axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel;

(*b*) no two axle truck, while used exclusively for the transportation of livestock feed; and

(*c*) no vehicle transporting live poultry,

shall be operated upon any designated highway where the weight upon an axle exceeds 7,500 kilograms.

Idem

(3) Subject to section 93, during a reduced load period no vehicle having a carrying capacity in excess of 1,000 kilograms, other than a motor vehicle or trailer, shall be operated upon any designated highway where the weight upon any millimetre in the width of a tire exceeds five kilograms.

Exceptions

(4) Subsections (1) and (3) do not apply to,

(*a*) vehicles operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway, where such vehicles are engaged in highway maintenance, including the carriage and application of abrasives or chemicals to the highway, the stockpiling of abrasives or chemicals for use on a highway, or the removal of snow from a highway;

(*b*) vehicles used exclusively for the transportation of milk;

(*c*) fire apparatus;

(*d*) vehicles operated by or on behalf of a municipality transporting waste; or

(*e*) public utility emergency vehicles.

Designation

(5) An official of the Ministry authorized by the Minister in writing may designate the date on which a reduced load period shall start or end and the King's Highway or highway in territory without municipal organization, or portion thereof, to which the designation applies.

SECTION 10. The new provision deals with weight loading and basically incorporates subsections 104 (6) to (14) of the Act restructured to clarify the intent.

SECTION 11. Section 106 of the Act is a penalty section. The amendment is complementary to sections 9 and 10 of the Bill.

SECTIONS 12 AND 13. Currently the Lieutenant Governor in Council may make regulations regulating traffic on highways without municipal organization and providing for the posting of signs and traffic control devices on any highway.

This authority is being given to the Minister.

(6) A designation under subsection (5) is not a regulation within the meaning of the *Regulations Act*. R.S.O. 1980, c. 446 does not apply

(7) The municipal corporation or other authority having jurisdiction over a highway may by by-law designate the date on which a reduced load period shall start or end and the highway or portion thereof under its jurisdiction to which the designation applies. Designation by municipality

104*b*.—(1) The Minister may make regulations limiting the gross vehicle weight of any vehicle or any class thereof passing over a bridge forming part of the King's Highway or a highway in territory without municipal organization and notice of the limit of the weights fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. Regulations limiting weight on bridges

(2) The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Ministry limit the gross vehicle weight of any vehicle or any class thereof passing over such bridge, and the requirements of subsection (1) with respect to the posting up of notice apply thereto. By-laws limiting weight on bridges

11. Section 106 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 106, amended

106. Every person who contravenes any of the provisions of subsection 98 (1), sections 99, 100 and 101, subsection 102 (3), section 103 or subsections 104*a* (1), (2) or (3) or a regulation made under subsection 104*b* (1) or a by-law made under subsection 104*b* (2) is guilty of an offence and on conviction is liable to a fine of, Penalty

. . . . . .

12. Subsection 112 (1) of the said Act is repealed and the following substituted therefor: s. 112 (1), re-enacted

(1) For the purpose of this Act, the Minister may make regulations providing for the regulation and control of traffic on any highway or portion of a highway in territory without municipal organization where the highway is not under the jurisdiction and control of the Ministry. Territory without municipal organization

13. Subsection 114 (6) of the said Act is repealed and the following substituted therefor: s. 114 (6), re-enacted

(6) The Minister may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices. Regulations

s. 119, amended

14. Section 119 of the said Act is amended by adding thereto the following subsection:

Exception to subs. (1)

(2) Subsection (1) does not apply to a driver or operator entering a highway from a private road or driveway controlled by a signal head of a signal-light traffic control system.

s. 124, amended

15. The said section 124 is amended by adding thereto the following subsection:

Idem

(23*a*) Notwithstanding subsection (22), where traffic signal-lights are installed as part of a traffic metering system,

(*a*) one signal-light shall be located to the left side of the roadway, not less than one metre from the level of the roadway; and

(*b*) one signal-light shall be located to the right side of the roadway, not less than 2.75 metres from the level of the roadway.

s. 124*a*, enacted

16. The said Act is further amended by adding thereto the following section:

Blocking intersection

124*a*.—(1) The council of a municipality may by by-law prohibit the driver or operator of a vehicle approaching a green signal-light at an intersection from entering the intersection unless traffic in front of him is moving in a manner that would reasonably lead him to believe he can clear the intersection before the signal-light turns red.

Idem

(2) A by-law passed under subsection (1) does not apply to the driver or operator of a vehicle who enters an intersection for the purpose of turning to the right or left into an intersecting highway and signals his intention to make such turn prior to entering the intersection.

Idem

(3) A by-law passed under subsection (1) shall apply to all signalized intersections of highways under the jurisdiction of the municipality.

s. 129, re-enacted

17. Section 129 of the said Act is repealed and the following substituted therefor:

Passing to right of vehicle

129.—(1) The driver of a motor vehicle may overtake and pass to the right of another vehicle only where such movement can be made in safety and,

(*a*) the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn;

SECTION 14. Section 119 of the Act provides that when entering a highway from a private road, a driver shall yield the right of way to vehicles on the highway. The proposed amendment negates this rule where there is a traffic light controlling entry from the private road.

SECTION 15. The new subsection 124 (23*a*) of the Act deals with the location of signal lights.

SECTION 16. Although municipalities now have power to pass by-laws regulating traffic, this power has not been given a broad interpretation. Accordingly, specific power is being given to pass by-laws prohibiting the blocking of intersections.

SECTION 17. The Act permits passing to the right in certain circumstances and prohibits it in others. The proposed amendment consolidates the existing provisions and goes on to prohibit passing on the left shoulder of a highway. An exemption is provided for ambulances, fire department, police department and Ministry emergency vehicles and tow trucks responding to a police call.

SECTION 18. Self-explanatory.

SECTION 19.—Subsection 1. Currently the Lieutenant Governor in Council has power to make regulations in respect of the matters set out in subsection 161 (1) of the Act. This power is being given to the Minister.

(*b*) is made on a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or

(*c*) is made on a highway designated for the use of one-way traffic only.

(2) No driver of a motor vehicle shall overtake and pass another vehicle by driving off the roadway. Driving off roadway prohibited

(3) Subsection (2) does not apply to the driver of, Non-application of subs. (2)

(*a*) a motor vehicle overtaking and passing to the right of another vehicle where the shoulder to the right of the roadway is paved and the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn;

(*b*) an ambulance or fire department vehicle as defined in section 43;

(*c*) a police department or Ministry emergency vehicle; or

(*d*) a tow truck where the driver is responding to a police request for assistance.

18. The said Act is further amended by adding thereto the following section: s. 135*a*, enacted

135*a*.—(1) No driver of a vehicle shall back the vehicle upon the roadway or shoulder of any highway divided by a median strip on which the maximum speed limit is in excess of 80 kilometres per hour. Backing prohibited

(2) Subsection (1) does not apply to, Exception to subs. (1)

(*a*) the driver of an ambulance or fire department vehicle as defined in section 43;

(*b*) the driver of a police department or Ministry vehicle; or

(*c*) a person attempting to render assistance to another person.

19.—(1) Subsection 161 (1) of the said Act is repealed and the following substituted therefor: s. 161 (1), re-enacted

(1) The Minister may make regulations prohibiting or regulating the use of any highway or part thereof by pedestrians or animals or any class or classes of vehicles. Regulating or prohibiting use of highway by pedestrians, etc.

s. 161, amended

(2) The said section 161 is amended by adding thereto the following subsection:

Removing pedestrians

(3) Where a pedestrian is on a highway in contravention of a regulation made or by-law passed under this section, a police officer may require the pedestrian to accompany him to the nearest intersecting highway on which pedestrians are not prohibited and the pedestrian shall comply with the request.

s. 190 (2), amended

20. Subsection 190 (2) of the said Act is amended by striking out "33; section 111, 148 or 160" in the fourth and fifth lines and inserting in lieu thereof "33, 35, 111, 148 or 160; subsection 161 (3)".

s. 192 (1) (*a*), re-enacted

21. Clause 192 (1) (*a*) of the said Act is repealed and the following substituted therefor:

(*a*) a conviction under section 30, 33 or 35 of this Act or section 234 of the *Criminal Code* (Canada); or

R.S.C. 1970, c. C-34

. . . . . .

Commencement

22.—(1) This Act, except sections 2, 3, 6, 8, 16, 17 and 18 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 16, 17 and 18 come into force on the 1st day of April, 1982.

Idem

(3) Sections 2, 3 and 6 come into force on the 1st day of September, 1982.

Idem

(4) Section 8 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

23. The short title of this Act is the *Highway Traffic Amendment Act, 1981*.

Subsection 2. Section 161 of the Act authorizes regulations to be made and by-laws to be passed prohibiting pedestrians, bicycles, etc., from being on certain highways. The proposed amendment would permit a police officer to take a pedestrian who is on a prohibited highway to a highway on which pedestrians are not prohibited.

SECTION 20. Section 190 (2) of the Act authorizes a constable to make an arrest without warrant where there is a contravention of certain specified provisions of the Act. Two new provisions are being added: namely, driving while one's licence is suspended and refusing to accompany a police officer off a prohibited highway (the new offence being made by section 19 of the Bill).

SECTION 21. Section 192 of the Act authorizes a judge to order a motor vehicle impounded where there is a conviction under certain specified provisions. The proposed amendment refers to the new section 35 of the Act, as set out in section 4 of the Bill, and omits the reference to section 238 (3) of the *Criminal Code* (Canada). This is complementary to section 4 of the Bill.

An Act to amend the
Highway Traffic Act

1st Reading

October 19th, 1981

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Transportation and
Communications

(*Government Bill*)

BILL 150

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 150 1981

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph: s. 1 (1), amended

38*a*. "trailer converter dolly" means a device consisting of one or more axles, a fifth wheel lower-half and a tow bar.

2. Subsection 9 (3) of the said Act is amended by striking out "2,750 kilograms" in the second line and inserting in lieu thereof "1,360 kilograms". s. 9 (3), amended

3. The said Act is amended by adding thereto the following section: s. 9*a*, enacted

9*a*.—(1) No owner of a motor vehicle shall drive or permit his motor vehicle to be driven on a highway unless the motor vehicle has the manufacturer's vehicle identification number permanently affixed. Manufacturer's vehicle identification number to be affixed

(2) No owner of, Idem

(*a*) a trailer that has a manufacturer's gross vehicle weight rating exceeding 1,360 kilograms;

(*b*) a conversion unit; or

(*c*) a trailer converter dolly,

shall draw or permit the trailer, conversion unit or trailer converter dolly to be drawn on a highway unless the trailer, conversion unit or trailer converter dolly, as the case may be, has an identification number permanently affixed.

s. 35, re-enacted

4. Section 35 of the said Act is repealed and the following substituted therefor:

Driving while driver's licence suspended

35.—(1) Every person who drives a motor vehicle on a highway while his driver's licence is suspended under an Act of the Legislature or a regulation made thereunder is guilty of an offence and on conviction is liable,

(*a*) for a first offence, to a fine of not less than $250 and not more than $2,000; and

(*b*) for each subsequent offence, to a fine of not less than $500 and not more than $2,000,

or to imprisonment for a term of not more than six months, or to both.

Subsequent offence

(2) Where a person who has previously been convicted of an offence under subsection (1) is convicted of the same offence within five years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause (1) (*b*).

Licence suspended

(3) The driver's licence of a person who is convicted of an offence under subsection (1) is thereupon suspended for a period of six months in addition to any other period for which the licence is suspended, and consecutively thereto.

s. 36, amended

5. Section 36 of the said Act is amended by striking out "this Act or the regulations" in the first and second lines and inserting in lieu thereof "an Act of the Legislature or a regulation made thereunder".

s. 42 (2), amended

6.—(1) Subsection 42 (2) of the said Act is amended by striking out "2,750 kilograms" in the third line and inserting in lieu thereof "1,360 kilograms".

s. 42 (3), amended

(2) Subsection 42 (3) of the said Act is amended by striking out "2,750 kilograms" in the fourth line and inserting in lieu thereof "1,360 kilograms".

s. 43, amended

7. Section 43 of the said Act is amended by adding thereto the following clause:

(*d*) "vehicle", in addition to the meaning set out in subsection 1 (1), includes a conversion unit and a trailer converter dolly.

8. Section 65 of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 65, re-enacted

65.—(1) Every constable and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver or owner of any motor vehicle or motor assisted bicycle to submit such motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to such examinations and tests as the constable or officer may consider expedient. Examination of vehicle

(2) Where any such vehicle, equipment or trailer is found to be in a dangerous or unsafe condition, the constable or officer making the examination or tests may require the driver or owner of the vehicle to proceed to have the vehicle, equipment or trailer placed in a safe condition and may order the vehicle or trailer to be removed from the highway and may prohibit the operation of the vehicle or trailer on the highway until the vehicle, equipment or trailer has been placed in a safe condition. Use of unsafe vehicle prohibited

(3) Every person who refuses or fails to comply with a requirement made under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $500. Penalty

(4) Subsection (3) does not apply unless the constable or officer has given to the person a written notice in the prescribed form requiring him to submit the motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to examination and tests. Notice requiring examination and tests

(5) Where the operation of a motor vehicle, motor assisted bicycle or trailer has been prohibited under subsection (2), the constable or officer may seize the number plates of the vehicle or trailer that is in a dangerous or unsafe condition and hold them until such vehicle or trailer has been placed in a safe condition. Seizure of plates

(6) The Lieutenant Governor in Council may make regulations prescribing forms for the purposes of subsection (4). Forms

9. Subsections 104 (6) to (14) of the said Act are repealed and the following substituted therefor: s. 104 (6), re-enacted s. 104 (7-14), repealed

(6) Every person who contravenes any of the provisions of subsection (1) is guilty of an offence and on conviction is liable to a fine as if he had been convicted under section 106 and the Registrar may suspend the permit issued under section 7 for the vehicle or vehicles involved, and the suspension shall continue until a new permit at the maximum gross vehicle weight allowable has been issued for the vehicle or vehicles and the fee therefor has been paid. Penalty

ss. 104*a*, 104*b*, enacted

10. The said Act is amended by adding thereto the following sections:

Weight load

104*a*.—(1) Subject to section 93, during a reduced load period no commercial motor vehicle or trailer, other than a public vehicle or a vehicle referred to in subsection (2), shall be operated or drawn upon any designated highway where the weight upon an axle exceeds 5,000 kilograms.

Idem

(2) Subject to section 93, during a reduced load period,

(*a*) no two axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel;

(*b*) no two axle truck, while used exclusively for the transportation of livestock feed; and

(*c*) no vehicle transporting live poultry,

shall be operated upon any designated highway where the weight upon an axle exceeds 7,500 kilograms.

Idem

(3) Subject to section 93, during a reduced load period no vehicle having a carrying capacity in excess of 1,000 kilograms, other than a motor vehicle or trailer, shall be operated upon any designated highway where the weight upon any millimetre in the width of a tire exceeds five kilograms.

Exceptions

(4) Subsections (1) and (3) do not apply to,

(*a*) vehicles operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway, where such vehicles are engaged in highway maintenance, including the carriage and application of abrasives or chemicals to the highway, the stockpiling of abrasives or chemicals for use on a highway, or the removal of snow from a highway;

(*b*) vehicles used exclusively for the transportation of milk;

(*c*) fire apparatus;

(*d*) vehicles operated by or on behalf of a municipality transporting waste; or

(*e*) public utility emergency vehicles.

Designation

(5) An official of the Ministry authorized by the Minister in writing may designate the date on which a reduced load period shall start or end and the King's Highway or highway in territory without municipal organization, or portion thereof, to which the designation applies.

(6) A designation under subsection (5) is not a regulation within the meaning of the *Regulations Act*. R.S.O. 1980, c. 446 does not apply

(7) The municipal corporation or other authority having jurisdiction over a highway may by by-law designate the date on which a reduced load period shall start or end and the highway or portion thereof under its jurisdiction to which the designation applies. Designation by municipality

104*b*.—(1) The Minister may make regulations limiting the gross vehicle weight of any vehicle or any class thereof passing over a bridge forming part of the King's Highway or a highway in territory without municipal organization and notice of the limit of the weights fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. Regulations limiting weight on bridges

(2) The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Ministry limit the gross vehicle weight of any vehicle or any class thereof passing over such bridge, and the requirements of subsection (1) with respect to the posting up of notice apply thereto. By-laws limiting weight on bridges

11. Section 106 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 106, amended

106. Every person who contravenes any of the provisions of subsection 98 (1), sections 99, 100 and 101, subsection 102 (3), section 103 or subsections 104*a* (1), (2) or (3) or a regulation made under subsection 104*b* (1) or a by-law made under subsection 104*b* (2) is guilty of an offence and on conviction is liable to a fine of, Penalty

. . . . .

12. Subsection 112 (1) of the said Act is repealed and the following substituted therefor: s. 112 (1), re-enacted

(1) For the purpose of this Act, the Minister may make regulations providing for the regulation and control of traffic on any highway or portion of a highway in territory without municipal organization where the highway is not under the jurisdiction and control of the Ministry. Territory without municipal organization

13. Subsection 114 (6) of the said Act is repealed and the following substituted therefor: s. 114 (6), re-enacted

(6) The Minister may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices. Regulations

s. 119, amended

14. Section 119 of the said Act is amended by adding thereto the following subsection:

Exception to subs. (1)

(2) Subsection (1) does not apply to a driver or operator entering a highway from a private road or driveway controlled by a signal head of a signal-light traffic control system.

s. 124, amended

15. The said section 124 is amended by adding thereto the following subsection:

Idem

(23*a*) Notwithstanding subsection (22), where traffic signal-lights are installed as part of a traffic metering system,

(*a*) one signal-light shall be located to the left side of the roadway, not less than one metre from the level of the roadway; and

(*b*) one signal-light shall be located to the right side of the roadway, not less than 2.75 metres from the level of the roadway.

s. 124*a*, enacted

16. The said Act is further amended by adding thereto the following section:

Blocking intersection

124*a*.—(1) The council of a municipality may by by-law prohibit the driver or operator of a vehicle approaching a green signal-light at an intersection from entering the intersection unless traffic in front of him is moving in a manner that would reasonably lead him to believe he can clear the intersection before the signal-light turns red.

Idem

(2) A by-law passed under subsection (1) does not apply to the driver or operator of a vehicle who enters an intersection for the purpose of turning to the right or left into an intersecting highway and signals his intention to make such turn prior to entering the intersection.

Idem

(3) A by-law passed under subsection (1) shall apply to all signalized intersections of highways under the jurisdiction of the municipality.

s. 129, re-enacted

17. Section 129 of the said Act is repealed and the following substituted therefor:

Passing to right of vehicle

129.—(1) The driver of a motor vehicle may overtake and pass to the right of another vehicle only where such movement can be made in safety and,

(*a*) the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn;

(*b*) is made on a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or

(*c*) is made on a highway designated for the use of one-way traffic only.

(2) No driver of a motor vehicle shall overtake and pass another vehicle by driving off the roadway. Driving off roadway prohibited

(3) Subsection (2) does not apply to the driver of, Non-application of subs. (2)

(*a*) a motor vehicle overtaking and passing to the right of another vehicle where the shoulder to the right of the roadway is paved and the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn;

(*b*) an ambulance or fire department vehicle as defined in section 43;

(*c*) a police department or Ministry emergency vehicle; or

(*d*) a tow truck where the driver is responding to a police request for assistance.

18. The said Act is further amended by adding thereto the following section: s. 135*a*, enacted

135*a*.—(1) No driver of a vehicle shall back the vehicle upon the roadway or shoulder of any highway divided by a median strip on which the maximum speed limit is in excess of 80 kilometres per hour. Backing prohibited

(2) Subsection (1) does not apply to, Exception to subs. (1)

(*a*) the driver of an ambulance or fire department vehicle as defined in section 43;

(*b*) the driver of a police department or Ministry vehicle; or

(*c*) a person attempting to render assistance to another person.

19.—(1) Subsection 161 (1) of the said Act is repealed and the following substituted therefor: s. 161 (1), re-enacted

(1) The Minister may make regulations prohibiting or regulating the use of any highway or part thereof by pedestrians or animals or any class or classes of vehicles. Regulating or prohibiting use of highway by pedestrians, etc.

s. 161, amended

(2) The said section 161 is amended by adding thereto the following subsection:

Removing pedestrians

(3) Where a pedestrian is on a highway in contravention of a regulation made or by-law passed under this section, a police officer may require the pedestrian to accompany him to the nearest intersecting highway on which pedestrians are not prohibited and the pedestrian shall comply with the request.

s. 190 (2), amended

20. Subsection 190 (2) of the said Act is amended by striking out "33; section 111, 148 or 160" in the fourth and fifth lines and inserting in lieu thereof "33, 35, 111, 148 or 160; subsection 161 (3)".

s. 192 (1) (*a*), re-enacted

21. Clause 192 (1) (*a*) of the said Act is repealed and the following substituted therefor:

(*a*) a conviction under section 30, 33 or 35 of this Act or section 234 of the *Criminal Code* (Canada); or

R.S.C. 1970, c. C-34

. . . . .

Commencement

22.—(1) This Act, except sections 2, 3, 6, 8, 16, 17 and 18 comes into force on the day it receives Royal Assent.

Idem

(2) Sections 16, 17 and 18 come into force on the 1st day of April, 1982.

Idem

(3) Sections 2, 3 and 6 come into force on the 1st day of September, 1982.

Idem

(4) Section 8 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

23. The short title of this Act is the *Highway Traffic Amendment Act, 1981*.

An Act to amend the
Highway Traffic Act

1st Reading

October 19th, 1981

2nd Reading

November 10th, 1981

3rd Reading

November 16th, 1981

THE HON. J. W. SNOW
Minister of Transportation and
Communications

BILL 151 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Credit Unions and Caisses Populaires Act

The Hon. G. W. Walker
Minister of Consumer and Commercial Relations

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Notes

Section 1. The proposed amendment to section 95 of the Act amends the definition of "Corporation" and is complementary to the enactment of sections 118*a* and 118*b* of the Act as set out in section 3 of the Bill.

Section 2. The proposed re-enactment of section 100 provides the Lieutenant Governor in Council with the power to remove directors of the Ontario Share and Deposit Corporation and permits the Lieutenant Governor in Council to fill vacancies in the board of directors by appointing any other person to fill the vacancy for the remainder of the unexpired term.

Section 3. The proposed section 118*a* authorizes the Lieutenant Governor in Council to guarantee loans to the Corporation and co-guarantee, with the Corporation, loans to credit unions.

Under the proposed section 118*b*, the Lieutenant Governor in Council will be authorized to direct the Corporation or such other person as may be named to take possession of the property of a league where, in the opinion of the Lieutenant Governor in Council, the affairs of the league are not in satisfactory financial condition or is not being properly managed.

BILL 151 1981

An Act to amend the Credit Unions and Caisses Populaires Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 95 of the *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is amended by striking out "118" in the first line and inserting in lieu thereof "118*b*". s. 95, amended

2. Section 100 of the said Act is repealed and the following substituted therefor: s. 100, re-enacted

100.—(1) The members of the board of directors shall hold office for a term of three years commencing on the date on which they were appointed and thereafter until their successors are appointed. Term of office

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council may remove a director from office before the expiration of his term. Removal

(3) Where a vacancy occurs in the board for any reason, the Lieutenant Governor in Council may appoint any person to fill the vacancy for the balance of the term of the director whose office is vacant and the nomination provisions of subsection 97 (1) do not apply to any such appointment. Vacancy

3. The said Act is amended by adding thereto the following sections: ss. 118*a*, 118*b*, enacted

118*a*.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, agree to guarantee and may guarantee the payment of any loan or loans or any part thereof, together with interest thereon, Guarantee of loans

(*a*) made to the Corporation for the purpose of carrying out its objects; or

(*b*) made to a credit union for the purpose of carrying ou its objects, if the Corporation has also given or agree to give a guarantee with respect thereto.

Form of guarantee

(2) The form and manner of any guarantee given under thi section shall be such as the Lieutenant Governor in Counc approves and the guarantee shall be signed by the Treasurer o Ontario and Minister of Economics, who may sign as Treasure of Ontario, and, upon being so signed, the Province of Ontario i liable for the payment of the loan or part thereof and interes thereon guaranteed according to the terms of the guarantee.

Payment of interest

(3) Where a guarantee is given under this section, the Lieuten ant Governor in Council may, upon the recommendation of th Minister, authorize the payment by the Province of Ontario o the whole or any part of the interest on any such loan for th whole or any part of the term of the guarantee.

Payment of guarantee, interest

(4) The Lieutenant Governor in Council may make arrange ments for supplying the moneys necessary to fulfil the require ments of any guarantee or to provide for payment of interes under subsection (3), and to advance the amount necessary fo that purpose out of the public funds of the Province of Ontario.

Order taking over management of league

118*b*.—(1) Where in the opinion of the Lieutenant Governo in Council, the affairs of a league are not in satisfactory financia condition or that the operations of the league are not being con ducted in accordance with sound business and financial prac tices, the Lieutenant Governor in Council, without holding a hearing, may, by order, direct the Corporation or such othe person as may be named in the order to take possession of th property of the league.

Effect of order

(2) Where an order is made under subsection (1), the Corpora tion or other person named in the order, as the case may be,

(*a*) shall forthwith take possession of the property of th league named in the order and conduct the business o the league and take such steps as in the opinion of th Corporation or other person may be taken toward th removal of the causes and conditions that have mad the order necessary and for such purposes and withou limiting the generality of the foregoing, the Corporatio or other person has,

(i) the same powers with respect to the league a set out in clauses 116 (1) (*a*), (*b*) and (*c*) wit respect to a credit union, and

(ii) the power to suspend or restrict the withdrawa of amounts deposited with the league, where, i

the opinion of the Corporation or other person, the withdrawal would not be in the best interests of the league; and

(*b*) shall remain in possession of the property of the league until the Lieutenant Governor in Council orders otherwise.

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is the *Credit Unions and Caisses Populaires Amendment Act, 1981*. Short title



An Act to amend the Credit Unions and Caisses Populaires Act

1st Reading

October 20th, 1981

2nd Reading

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

(*Government Bill*)

BILL 151 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Credit Unions and Caisses Populaires Act

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. The proposed sections 92*a* to 92*c* authorize credit union leagues to establish mandatory liquidity pools and the Lieutenant Governor in Council will be authorized to order the establishment of such pools.

BILL 151 1981

An Act to amend the Credit Unions and Caisses Populaires Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections: ss. 92*a*-92*c*, enacted

92*a*.—(1) A league may maintain a liquidity pool designated as a "mandatory liquidity pool". Mandatory liquidity pool

(2) Subject to section 92*b*, a league shall not maintain a mandatory liquidity pool unless, Idem

(*a*) it has submitted a plan for operating the pool to the Director and the Director has approved the plan; and

(*b*) the Lieutenant Governor in Council has, by order, authorized the league to maintain a mandatory liquidity pool.

92*b*.—(1) Where in the opinion of the Lieutenant Governor in Council a league should maintain a mandatory liquidity pool, the Lieutenant Governor in Council, without holding a hearing, may, by order, direct the league to maintain such a pool and the league shall thereupon maintain such a pool. Order establishing mandatory liquidity pool

(2) An order made under subsection (1) may contain a plan for operating the mandatory liquidity pool. Idem

92*c*.—(1) A league that maintains a mandatory liquidity pool shall operate the pool in accordance with the plan approved under clause 92*a* (2) (*a*) or included in an order under subsection 92*b* (2). Pool to be operated in accordance with plan

(2) Each credit union that was a member of a league on the 1st day of July, 1981 or such other date as may be prescribed by the Deposits with league

regulations, which league has been authorized under clause 92*a* (2) (*b*) or directed under subsection 92*b* (1) to maintain a mandatory liquidity pool, shall deposit and maintain assets, which are authorized investments under subsection (4), with such league, as part of the mandatory liquidity pool, having a market value that is not less than 10 per cent of the member credit union's share, deposits and borrowings determined as of the 31st day of December of each year.

Idem

(3) A credit union required to make a deposit with a league pursuant to subsection (2) shall be exempt from the requirements of section 92.

Investments

(4) Subject to such limitations and restrictions as may be prescribed by the regulations, a league shall invest the assets of a mandatory liquidity pool in,

(*a*) cash, including deposits with a chartered bank in Canada, a loan or trust company registered under the *Loan and Trust Corporations Act,* the Province of Ontario Savings Office or a league, providing that such deposits are callable within ninety days;

R.S.O. 1980, c. 249

(*b*) unencumbered bonds, debentures or other obligations of or guaranteed by the Government of Canada or by the government of any province, valued at market value; and

(*c*) such investments as may be authorized by the regulations.

Investment committee

(5) A mandatory liquidity pool shall be managed by an investment committee consisting of three members nominated by the league who have been approved and appointed by the Lieutenant Governor in Council and where the league fails to nominate members, the Lieutenant Governor in Council may appoint the members.

Statements

(6) A league shall file with the Director, within fifteen days of the end of each quarter of its fiscal year, a statement of operation with respect to its mandatory liquidity pool, a balance sheet in relation to the pool and the auditor's report, if any, and the statement shall also contain such other information as to compliance with this section and the regulations as the Director requires.

Regulations

(7) The Lieutenant Governor in Council may, by regulation,

(*a*) prescribe limitations and restrictions on the investment of the assets of a mandatory liquidity pool and authorize additional investments for the purposes of subsection (4);

SECTION 2. The proposed amendment to section 95 of the Act amends the definition of "Corporation" and is complementary to the enactment of sections 118*a* and 118*b* of the Act as set out in section 7 of the Bill.

SECTIONS 3, 4. The proposed re-enactment of section 100 provides the Lieutenant Governor in Council with the power to remove directors of the Ontario Share and Deposit Corporation and permits the Lieutenant Governor in Council to fill vacancies in the board of directors by appointing any other person to fill the vacancy for the remainder of the unexpired term. This power will expire on the 1st day of January, 1985 and the present section 100 will be re-enacted on that day.

SECTIONS 5, 6. The amendments clarify the objects and powers of the Ontario Share and Deposit Corporation with respect to leagues.

(*b*) establishing a rate of interest or a method of determining a rate of interest to be paid on deposits made under subsection (2) and a league shall pay to credit unions the rate of interest so established or determined on deposits made under subsection (2);

(*c*) prescribe alternate dates for the purposes of subsection (2); and

(*d*) exempt any credit union from the requirements of subsection (2) subject to such terms and conditions as may be set out in the regulations.

2. Section 95 of the said Act is amended by striking out "118" in the first line and inserting in lieu thereof "118*b*". s. 95, amended

3. Section 100 of the said Act is repealed and the following substituted therefor: s. 100, re-enacted

100.—(1) The members of the board of directors shall hold office for a term of three years commencing on the date on which they were appointed and thereafter until their successors are appointed. Term of office

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council may remove a director from office before the expiration of his term. Removal

(3) Where a vacancy occurs in the board for any reason, the Lieutenant Governor in Council may appoint any person to fill the vacancy for the balance of the term of the director whose office is vacant and the nomination provisions of subsection 97 (1) do not apply to any such appointment. Vacancy

4. On the 1st day of January, 1985, section 100 of the said Act, as re-enacted by section 3 of this Act, is repealed and the following substituted therefor: s. 100, re-enacted

100. The members of the board of directors shall hold office for a term of three years commencing on the date on which they were appointed and thereafter until their successors are appointed and any casual vacancy occurring shall be filled in accordance with section 97 for the balance of the term of the director whose office became vacant. Term of office

5. Section 101 of the said Act is amended by adding thereto the following clause: s. 101, amended

(*d*) to provide, in its discretion, financial assistance for the purpose of assisting any league in its continued operation or in the orderly liquidation of its operations.

s. 102, amended

6. Section 102 of the said Act is amended by adding thereto the following subsection:

Interpretation

(2) For the purpose of subsection (1), "credit union" includes a league.

ss. 118*a*, 118*b*, enacted

7. The said Act is further amended by adding thereto the following sections:

Guarantee of loans

118*a*.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, agree to guarantee and may guarantee the payment of any loan or loans or any part thereof, together with interest thereon,

(*a*) made to the Corporation for the purpose of carrying out its objects; or

(*b*) made to a credit union or league for the purpose of carrying out its objects, if the Corporation has also given or agreed to give a guarantee with respect thereto.

Form of guarantee

(2) The form and manner of any guarantee given under this section shall be such as the Lieutenant Governor in Council approves and the guarantee shall be signed by the Treasurer of Ontario and Minister of Economics, who may sign as Treasurer of Ontario, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment of interest

(3) Where a guarantee is given under this section, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on any such loan for the whole or any part of the term of the guarantee.

Payment of guarantee, interest

(4) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfil the requirements of any guarantee or to provide for payment of interest under subsection (3), and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

Order taking over management of league

118*b*.—(1) Where in the opinion of the Lieutenant Governor in Council, the affairs of a league are not in satisfactory financial condition or that the operations of the league are not being conducted in accordance with sound business and financial practices, the Lieutenant Governor in Council, without holding a hearing, may, by order, direct the Corporation or such other person as may be named in the order to take possession of the property of the league.

SECTIONS 7, 8. The proposed section 118*a* authorizes the Lieutenant Governor in Council to guarantee loans to the Corporation and co-guarantee, with the Corporation, loans to credit unions and leagues.

Under the proposed section 118*b*, the Lieutenant Governor in Council will be authorized to direct the Corporation or such other person as may be named to take possession of the property of a league where, in the opinion of the Lieutenant Governor in Council, the affairs of the league are not in satisfactory financial condition or is not being properly managed.

Sections 118*a* and 118*b* will be repealed on the 1st day of January, 1985.

(2) Where an order is made under subsection (1), the Corporation or other person named in the order, as the case may be, Effect of order

(*a*) shall forthwith take possession of the property of the league named in the order and conduct the business of the league and take such steps as in the opinion of the Corporation or other person may be taken toward the removal of the causes and conditions that have made the order necessary and for such purposes and without limiting the generality of the foregoing, the Corporation or other person has,

(i) the same powers with respect to the league as set out in clauses 116 (1) (*a*), (*b*) and (*c*) with respect to a credit union, and

(ii) the power to suspend or restrict the withdrawal of amounts deposited with the league, where, in the opinion of the Corporation or other person, the withdrawal would not be in the best interests of the league; and

(*b*) shall remain in possession of the property of the league until the Lieutenant Governor in Council orders otherwise.

8. Sections 118*a* and 118*b* of the said Act, as enacted by section 7 of this Act, are repealed on the 1st day of January, 1985. ss. 118*a*, 118*b*, repealed

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. The short title of this Act is the *Credit Unions and Caisses Populaires Amendment Act, 1981*. Short title

An Act to amend the Credit Unions and Caisses Populaires Act

1st Reading

October 20th, 1981

2nd Reading

December 15th, 1981

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

(*Reprinted as amended by the Committee of the Whole House*)

1981

BILL 151

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Credit Unions and Caisses Populaires Act

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 151 1981

An Act to amend the Credit Unions and Caisses Populaires Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Credit Unions and Caisses Populaires Act*, being chapter 102 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections: ss. 92*a*-92*c*, enacted

92*a*.—(1) A league may maintain a liquidity pool designated as a "mandatory liquidity pool". Mandatory liquidity pool

(2) Subject to section 92*b*, a league shall not maintain a mandatory liquidity pool unless, Idem

(*a*) it has submitted a plan for operating the pool to the Director and the Director has approved the plan; and

(*b*) the Lieutenant Governor in Council has, by order, authorized the league to maintain a mandatory liquidity pool.

92*b*.—(1) Where in the opinion of the Lieutenant Governor in Council a league should maintain a mandatory liquidity pool, the Lieutenant Governor in Council, without holding a hearing, may, by order, direct the league to maintain such a pool and the league shall thereupon maintain such a pool. Order establishing mandatory liquidity pool

(2) An order made under subsection (1) may contain a plan for operating the mandatory liquidity pool. Idem

92*c*.—(1) A league that maintains a mandatory liquidity pool shall operate the pool in accordance with the plan approved under clause 92*a* (2) (*a*) or included in an order under subsection 92*b* (2). Pool to be operated in accordance with plan

(2) Each credit union that was a member of a league on the 1st day of July, 1981 or such other date as may be prescribed by the Deposits with league

regulations, which league has been authorized under clause 92*a* (2) (*b*) or directed under subsection 92*b* (1) to maintain a mandatory liquidity pool, shall deposit and maintain assets, which are authorized investments under subsection (4), with such league, as part of the mandatory liquidity pool, having a market value that is not less than 10 per cent of the member credit union's share, deposits and borrowings determined as of the 31st day of December of each year.

Idem

(3) A credit union required to make a deposit with a league pursuant to subsection (2) shall be exempt from the requirements of section 92.

Investments

(4) Subject to such limitations and restrictions as may be prescribed by the regulations, a league shall invest the assets of a mandatory liquidity pool in,

(*a*) cash, including deposits with a chartered bank in Canada, a loan or trust company registered under the *Loan and Trust Corporations Act,* the Province of Ontario Savings Office or a league, providing that such deposits are callable within ninety days;

R.S.O. 1980, c. 249

(*b*) unencumbered bonds, debentures or other obligations of or guaranteed by the Government of Canada or by the government of any province, valued at market value; and

(*c*) such investments as may be authorized by the regulations.

Investment committee

(5) A mandatory liquidity pool shall be managed by an investment committee consisting of three members nominated by the league who have been approved and appointed by the Lieutenant Governor in Council and where the league fails to nominate members, the Lieutenant Governor in Council may appoint the members.

Statements

(6) A league shall file with the Director, within fifteen days of the end of each quarter of its fiscal year, a statement of operation with respect to its mandatory liquidity pool, a balance sheet in relation to the pool and the auditor's report, if any, and the statement shall also contain such other information as to compliance with this section and the regulations as the Director requires.

Regulations

(7) The Lieutenant Governor in Council may, by regulation,

(*a*) prescribe limitations and restrictions on the investment of the assets of a mandatory liquidity pool and authorize additional investments for the purposes of subsection (4);

(*b*) establishing a rate of interest or a method of determining a rate of interest to be paid on deposits made under subsection (2) and a league shall pay to credit unions the rate of interest so established or determined on deposits made under subsection (2);

(*c*) prescribe alternate dates for the purposes of subsection (2); and

(*d*) exempt any credit union from the requirements of subsection (2) subject to such terms and conditions as may be set out in the regulations.

2. Section 95 of the said Act is amended by striking out "118" in the first line and inserting in lieu thereof "118*b*". s. 95, amended

3. Section 100 of the said Act is repealed and the following substituted therefor: s. 100, re-enacted

Term of office

100.—(1) The members of the board of directors shall hold office for a term of three years commencing on the date on which they were appointed and thereafter until their successors are appointed.

Removal

(2) Notwithstanding subsection (1), the Lieutenant Governor in Council may remove a director from office before the expiration of his term.

Vacancy

(3) Where a vacancy occurs in the board for any reason, the Lieutenant Governor in Council may appoint any person to fill the vacancy for the balance of the term of the director whose office is vacant and the nomination provisions of subsection 97 (1) do not apply to any such appointment.

4. On the 1st day of January, 1985, section 100 of the said Act, as re-enacted by section 3 of this Act, is repealed and the following substituted therefor: s. 100, re-enacted

Term of office

100. The members of the board of directors shall hold office for a term of three years commencing on the date on which they were appointed and thereafter until their successors are appointed and any casual vacancy occurring shall be filled in accordance with section 97 for the balance of the term of the director whose office became vacant.

5. Section 101 of the said Act is amended by adding thereto the following clause: s. 101, amended

(*d*) to provide, in its discretion, financial assistance for the purpose of assisting any league in its continued operation or in the orderly liquidation of its operations.

s. 102, amended

6. Section 102 of the said Act is amended by adding thereto the following subsection:

Interpretation

(2) For the purpose of subsection (1), "credit union" includes a league.

ss. 118*a*, 118*b*, enacted

7. The said Act is further amended by adding thereto the following sections:

Guarantee of loans

118*a*.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, agree to guarantee and may guarantee the payment of any loan or loans or any part thereof, together with interest thereon,

(*a*) made to the Corporation for the purpose of carrying out its objects; or

(*b*) made to a credit union or league for the purpose of carrying out its objects, if the Corporation has also given or agreed to give a guarantee with respect thereto.

Form of guarantee

(2) The form and manner of any guarantee given under this section shall be such as the Lieutenant Governor in Council approves and the guarantee shall be signed by the Treasurer of Ontario and Minister of Economics, who may sign as Treasurer of Ontario, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment of interest

(3) Where a guarantee is given under this section, the Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize the payment by the Province of Ontario of the whole or any part of the interest on any such loan for the whole or any part of the term of the guarantee.

Payment of guarantee, interest

(4) The Lieutenant Governor in Council may make arrangements for supplying the moneys necessary to fulfil the requirements of any guarantee or to provide for payment of interest under subsection (3), and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

Order taking over management of league

118*b*.—(1) Where in the opinion of the Lieutenant Governor in Council, the affairs of a league are not in satisfactory financial condition or that the operations of the league are not being conducted in accordance with sound business and financial practices, the Lieutenant Governor in Council, without holding a hearing, may, by order, direct the Corporation or such other person as may be named in the order to take possession of the property of the league.

(2) Where an order is made under subsection (1), the Corporation or other person named in the order, as the case may be, Effect of order

(*a*) shall forthwith take possession of the property of the league named in the order and conduct the business of the league and take such steps as in the opinion of the Corporation or other person may be taken toward the removal of the causes and conditions that have made the order necessary and for such purposes and without limiting the generality of the foregoing, the Corporation or other person has,

(i) the same powers with respect to the league as set out in clauses 116 (1) (*a*), (*b*) and (*c*) with respect to a credit union, and

(ii) the power to suspend or restrict the withdrawal of amounts deposited with the league, where, in the opinion of the Corporation or other person, the withdrawal would not be in the best interests of the league; and

(*b*) shall remain in possession of the property of the league until the Lieutenant Governor in Council orders otherwise.

8. Sections 118*a* and 118*b* of the said Act, as enacted by section 7 of this Act, are repealed on the 1st day of January, 1985. ss. 118*a*, 118*b*, repealed

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. The short title of this Act is the *Credit Unions and Caisses Populaires Amendment Act, 1981*. Short title

An Act to amend the Credit Unions and Caisses Populaires Act

1st Reading

October 20th, 1981

2nd Reading

December 15th, 1981

3rd Reading

December 16th, 1981

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

1981

BILL 152 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act respecting the Establishment of Facilities to provide Safety and Shelter to Victims of Spouse Abuse

MR. PETERSON

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is to provide for the establishment of transition house facilities to provide safety and shelter to victims of spouse abuse and their children. The Bill requires every person who purchases a marriage licence to pay a marriage licence surcharge for the purpose of creating a special fund, to be known as the Family Protection Fund, to support the establishment of transition houses. The Bill requires that every transition house shall provide temporary emergency shelter and information, referral and counselling services to abused spouses. The Bill also provides for the inspection of transition houses.

BILL 152 1981

An Act respecting the Establishment of Facilities to provide Safety and Shelter to Victims of Spouse Abuse

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means the Family Protection Board;

(*b*) "Minister" means the Minister of Community and Social Services;

(*c*) "prescribed" means prescribed in the regulations;

(*d*) "spouse abuse" means any assault, battery or other physical or psychological abuse by a person upon his or her spouse;

(*e*) "spouse" includes a man or woman who, although not married to each other, live together in a conjugal relationship of some permanence;

(*f*) "transition house" means a facility that serves as a centre to receive and provide shelter to persons who are victims of spouse abuse.

2.—(1) There is hereby established a board to be known as the Family Protection Board. Board established

(2) The Board shall be composed of five members who shall be appointed by the Lieutenant Governor in Council, of whom three shall be appointed on the recommendation of the Ontario Association of Interval and Transition Houses and the Lieutenant Governor shall designate one of the members of the Board to be chairman and one to be vice-chairman. Composition

Term

(3) The members of the Board shall be appointed for a term of three years.

Vacancies

(4) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of the member.

Quorum

(5) A majority of the members of the Board constitutes a quorum.

Duties of the Board

3. The Board shall,

(*a*) administer the Family Protection Fund, including receiving applications and directing payment of grants for transition houses for the protection of abused spouses and children;

(*b*) advise the Minister on policies and programs designed to protect abused spouses and children; and

(*c*) perform such duties as are assigned to it under this or any other Act.

Fund established

4.—(1) The Board shall establish and maintain a fund to be known as the Family Protection Fund.

Fund account

(2) The Board shall maintain an account with the Province of Ontario Savings Office or with any chartered bank designated by the Board for the deposit of funds paid into the Family Protection Fund.

Board funds

(3) All funds paid into the Family Protection Fund under this Act are funds of the Board and not public funds.

Marriage licence surcharge

5. Every person who purchases a marriage licence shall, at the time of purchasing the licence, pay a fee of fifteen dollars, or such greater amount as may be prescribed, and such amount is payable to the Board and shall be remitted to the Board by the person who issues the licence.

Agreements

6.—(1) The Board may enter into an agreement with any corporation that is incorporated as a non-profit corporation for the establishment of a transition house upon such terms and conditions as may be agreed and may direct payment of such operating and capital costs and expenditures as are necessary for the purpose of operating the transition house.

Minimum level of service

(2) A corporation is not eligible to enter into an agreement with the Board unless the corporation undertakes to provide, among its range of services,

(*a*) information and referral services, counselling services, and temporary emergency shelter to abused spouses and their children; and

(*b*) educational services to the public in general designed to increase public awareness about the incidence of spouse abuse, the means of preventing such abuse, and the methods of care, treatment and rehabilitation for persons who commit or are subject to such abuse.

Inspectors

7.—(1) The Board may appoint, in writing, one or more inspectors with the duty and power to inspect, examine and audit financial accounts and records maintained in transition houses and these inspectors shall act only at the direction of the Board.

Obstruction

(2) No person shall obstruct an inspector in the performance of his duties under this Act.

Report

8. The Chairman of the Board shall annually file with the Minister a report upon the affairs of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the commencement of the next ensuing session.

Information confidential

9. Any information, document, record, statement or thing disclosed to a person employed in or volunteering services to a transition house or to an employee or official of the Ministry of Community and Social Services is confidential information and shall not be disclosed publicly in such a manner as to specifically identify any individual who has received services from a transition house.

Offence

10. Every person who contravenes subsection 7 (2) is guilty of an offence and on conviction is liable to a fine of not more than $2,000.

Regulations

11. The Lieutenant Governor in Council may make regulations,

(*a*) establishing standards for accommodation, facilities, equipment and services to be provided in transition houses;

(*b*) governing the management, operation, location and construction of transition houses or any class thereof and their alteration and renovation;

(*c*) prescribing forms and providing for their use;

(*d*) prescribing the amount of the fee referred to in section 5.

R.S.O. 1970, c. 256, amended

12. The *Marriage Act*, being chapter 256 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Required fee

7*a*. No person shall issue a licence to any person who has not paid the licence fee prescribed under this Act or the family protection fee prescribed under the *Homes for Abused Spouses Act, 1981*.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *Homes for Abused Spouses Act, 1981*.

An Act respecting the Establishment of Facilities to provide Safety and Shelter to Victims of Spouse Abuse

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1st Reading

October 22th, 1981

2nd Reading

3rd Reading

MR. PETERSON

(*Private Member's Bill*)

1981

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to provide for the Removal of Urea Formaldehyde Foam Insulation

MR. SWART

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is to provide recourse to persons who had their dwelling insulated with urea formaldehyde foam insulation.

An expeditious method is provided for obtaining an order for removal of the insulation and restoring the dwelling to its former state or for reimbursement where the owner had the insulation removed. The only elements required to obtain an order are evidence that the insulation was installed, name of the installer, distributor and manufacturer and of physical harm incurring. The application for the order is submitted to chief officials who are appointed by municipalities under the *Building Code Act*. The chief official, after checking the application, forwards it to the Director of the Building Code Branch who is empowered to make an order dealing with the matter.

BILL 153 1981

An Act to provide for the Removal of Urea Formaldehyde Foam Insulation

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "chief building official" means a chief building official appointed under the *Building Code Act*; R.S.O. 1980, c. 51

(*b*) "Director" means the Director appointed under the *Building Code Act*;

(*c*) "owner" means the owner or tenant of a dwelling in which U.F.F.I. is used as insulation and includes any person residing with the owner;

(*d*) "Tribunal" means The Commercial Registration Appeal Tribunal under the *Ministry of Consumer and Commercial Relations Act*; R.S.O. 1980, c. 274

(*e*) "U.F.F.I." means urea formaldehyde foam insulation.

Purpose

2. The purpose of this Act is to provide for the removal of U.F.F.I. from dwellings.

Application for order

3.—(1) An owner who suffers ill health as a result of U.F.F.I. in his dwelling may apply to the Director for an order for removal or reimbursement.

Evidence of ill health

(2) An application under subsection (1) shall be submitted to a chief official and shall include evidence that the applicant suffered ill health or had an existing ill health condition aggravated as a result of U.F.F.I. in his dwelling.

Chief official to forward application

4.—(1) Upon receiving an application under section 3 and satisfying himself that the facts stated therein are correct, the

chief official shall forward the application and material submitted therewith to the Director.

Order by Director

(2) Upon reviewing an application from the chief official, the Director may issue an order directed to the installer, distributor or manufacturer of the U.F.F.I. or any two of them or all of them as he considers appropriate in the circumstances,

(*a*) that the dwelling of the owner be restored to the condition it was in prior to the installation of the insulation; or

(*b*) that the owner be reimbursed for the cost of restoring the dwelling to the condition it was in prior to the installation,

or make such other order as the Director considers appropriate.

Order by Director

5.—(1) Where the Director proposes to make an order under section 4, he shall give notice of his proposal to the person or persons to whom the order is to be directed together with written reasons for his proposal.

Notice requiring hearing

(2) A notice under subsection (1) shall inform the persons to whom it is addressed that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection (1) is served on him, notice in writing requiring a hearing to the Director and the Tribunal, and he may so require such a hearing.

Powers of Director where no hearing

(3) Where the person referred to in subsection (2) does not require a hearing by the Tribunal in accordance with subsection (2), the Director may carry out the proposal stated in his notice under subsection (1).

Powers of Tribunal

(4) Where the person referred to in subsection (2) requires a hearing by the Tribunal in accordance with subsection (2), the Tribunal shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or to carry it out in an amended form or refrain from carrying out his proposal.

Conditions of order

(5) The Tribunal may attach such terms and conditions to its order as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Director, the person who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Enforcement of order

6. An order of the Director under section 4 may be filed with the Supreme Court or with a county or district court and, on being filed, the order has the same force and effect and all proceedings may be taken in it, as if it were a judgment of that court.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *U.F.F.I. Removal Act, 1981*.

An Act to provide for the
Removal of Urea Formaldehyde
Foam Insulation

1st Reading

October 23rd, 1981

2nd Reading

3rd Reading

MR. SWART

(*Private Member's Bill*)

1981

BILL 154 Private Member's Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Assessment Act

Mr. Di Santo

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The Bill empowers municipalities to pass by-laws providing that lands which are not zoned for agricultural use but are used for farm purposes shall not be assessed as farm lands. Subsection 18 (3) of the Act at present permits the assessment of such lands as farm lands.

BILL 154 1981

An Act to amend the Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection: s. 18, amended

(3*a*) The council of a municipality may by by-law provide that subsection (3) shall not apply to lands that are subject to a restricted area by-law passed under the *Planning Act* prohibiting the use of the lands for farm purposes. Exception, land not zoned agricultural R.S.O. 1980, c. 379

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Assessment Amendment Act, 1981*. Short title

An Act to amend the Assessment Act

1st Reading

October 27th, 1981

2nd Reading

3rd Reading

MR. DI SANTO

(*Private Member's Bill*)

1981

BILL 155 Private Member's Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Family Benefits Act

Mr. Martel

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The purpose of the amendment is to remove any reference to the sex of the parent, thereby enabling either the mother or father of the child to be eligible for benefits.

BILL 155 1981

An Act to amend the Family Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 7 (1) (*d*) of the *Family Benefits Act*, being chapter 151 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 7 (1) (*d*), re-enacted

(*d*) who is a single parent with a dependent child and,

(i) who is a widow or widower, or

(ii) whose spouse has deserted the family for three months or more, or

(iii) whose spouse is a patient in a sanatorium, hospital or similar institution, or

(iv) whose spouse is imprisoned in a penal institution and at the date of the application has a term of imprisonment remaining to be served of six months or more, or

(v) who is divorced from the parent of the dependent child and has not remarried, or

(vi) a mother, whose dependent child was born out of wedlock, where the mother is sixteen years or more of age and her dependent child is three months or more of age; or

. . . . .

(2) Clause 7 (1) (*e*) of the said Act is repealed. s. 7 (1) (*e*), repealed

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Family Benefits Amendment Act, 1981*. Short title

An Act to amend the
Family Benefits Act

1st Reading

October 27th, 1981

2nd Reading

3rd Reading

MR. MARTEL

(*Private Member's Bill*)

1981

BILL 156 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act respecting the City of Barrie and the Township of Innisfil

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The Bill provides for the implementation of the terms of an agreement entered into by the City of Barrie and the Township of Innisfil respecting the annexation of certain lands in the Township by the City.

Among the principal features of the Bill are the following:

1. Certain described lands in the Township are annexed to the City, in the one case, on the 1st day of January, 1982 and in the other, on the 1st day of January, 1987. (s. 2)

2. The City is not to apply for the annexation of certain described lands in the Township for a period of 15 years or to apply for the annexation of any lands in the remainder of the Township for a period of 30 years, except in either case with the consent of the Township. (s. 3)

3. Certain lands in the Township are to be designated in its official plan to ensure the preservation of farm land and to permit mineral resource extraction. (s. 4)

4. The Township's zoning By-law No. 1378, in so far as it applies to the Township lands annexed to the City in 1982, is deemed to be a by-law of the City and to have been approved by the Ontario Municipal Board. (s. 5)

5. The Minister of Municipal Affairs and Housing is empowered to order, over a transitional period, that different rates of taxation be imposed on the lands annexed to the City and on the remainder of the City, than would otherwise be imposed. (s. 6)

6. Provision is made for the adjustment of assets and liabilities between the City and the Township. (s. 7)

7. The Minister is empowered to redivide the City into wards, taking into consideration the lands annexed, and to provide for other matters consequential thereon. (s. 8)

8. The agreement between the City and the Township respecting the annexations is validated. (s. 9)

9. The Minister is empowered to grant financial assistance in the manner specified to the two municipalities. (s. 10)

10. The Public Utility Commission of the Township of Innisfil is dissolved on the 1st day of January, 1982 and its assets and liabilities vested in the Township. (s. 12)

BILL 156 1981

An Act respecting the City of Barrie and the Township of Innisfil

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "City" means The Corporation of the City of Barrie;

(*b*) "Minister" means the Minister of Municipal Affairs and Housing;

(*c*) "Township" means The Corporation of the Township of Innisfil.

2.—(1) On the 1st day of January, 1982, the portion of the Township of Innisfil described in Schedule A is annexed to the City. Annexation

(2) On the 1st day of January, 1987, the portion of the Township of Innisfil described in Schedule B is annexed to the City. Subsequent annexation

3.—(1) Except as provided in subsection (2), the City shall not apply for the annexation of any lands in the Township of Innisfil before the 1st day of January, 2012, unless the Township agrees to such annexation. City not to apply for annexation of certain lands

(2) The City shall not apply for the annexation of any lands in the Township of Innisfil described in Schedule C, before the 1st day of January, 1997, unless the Township agrees to such annexation. Idem

4. The portion of the Township of Innisfil described in Schedule D shall be designated by the Township in its official plan, and in subsequent amendments thereto, so as to ensure the preservation of farmland and to permit mineral resource extrac- Official plan designations

tion and uses related to agriculture and mineral resource extraction.

Zoning by-law of Township deemed by-law of City

5. On and after the 1st day of January, 1982, By-law No. 1378 of the Township, in so far as it applies to the lands of the Township annexed to the City under subsection 2 (1), shall be deemed to be a by-law of the City and to have been approved by the Ontario Municipal Board.

Order of Minister re rates of taxation

6.—(1) The Minister may provide from time to time, by order, that in the years 1982, 1983, 1984, 1985, 1986 and 1987, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the area annexed to the City under subsection 2 (1) and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.

Idem

(2) The Minister may provide from time to time, by order, that in the years 1987, 1988, 1989, 1990 and 1991, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the area annexed to the City under subsection 2 (2) and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.

Idem

(3) An order made under subsection (1) or (2) may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of an annexed area lower than the rates generally applicable in the City to reflect the extent to which the annexed areas do not receive City services, and the rates may vary among the defined areas.

Adjustment of assets and liabilities

7. The City and the Township may enter into one or more agreements to provide for the adjustment of assets and liabilities between the City and the Township in respect of the areas annexed to the City under subsections 2 (1) and (2) as of the 31st day of December, 1981 and as of the 31st day of December, 1986, respectively.

Redivision of wards

8.—(1) The Minister may at any time, by order, redivide the City into wards taking into consideration the lands annexed to the City by subsection 2 (1), and subject to subsection (2) of this section, such wards shall remain in effect until altered by the Ontario Municipal Board.

(2) The Minister may on or before the 1st day of January, 1987, by order, redivide the City into wards taking into consideration the lands annexed to the City by subsection 2 (2), and such wards shall remain in effect until altered by the Ontario Municipal Board. Idem

(3) In respect of the general municipal election to be held in the City next preceding the 1st day of January, 1987, the Minister may, by order, provide for the qualification of electors, the preparation of polling lists and such other matters as he considers necessary to ensure that residents in the area annexed to the City by subsection 2 (2) are enabled to vote or stand for office at such election. Qualification of electors, etc.

(4) An order made under subsection (1) or (2) may provide for the composition of the council of the City, and such composition shall remain in effect until altered by the Ontario Municipal Board. Composition of council

9. The City and the Township and those negotiating on their behalf shall be deemed to have always had the power to negotiate and enter into the agreement set out in the Barrie-Innisfil Negotiating Committee Recommendation for Agreement. Barrie-Innisfil Negotiating Committee Recommendation for Agreement

10. The Minister may, by order, Grants, etc.

(*a*) provide for the participation by the Province in the financing of any services, or the expansion thereof, by the City or the Township; and

(*b*) provide for the payment of grants to the City or to the Township under such terms and conditions as the Minister considers appropriate.

11. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are necessary or advisable to carry out the purposes or intent of the agreement between the City and the Township or of this Act. Conditional powers of L.G. in C.

12. The Public Utility Commission of the Township of Innisfil is dissolved effective the 1st day of January, 1982, and all its rights, obligations, assets and liabilities are thereupon transferred to and vested in the Township. Public Utility Commission dissolved

13. This Act comes into force on the day it receives Royal Assent. Commencement

14. The short title of this Act is the *Barrie-Innisfil Annexation Act, 1981*. Short title

SCHEDULE A

AREA TO BE ANNEXED TO THE CITY OF BARRIE ON THE 1ST DAY OF JANUARY, 1982

That portion of the Township of Innisfil described as follows:

Commencing at the northwesterly angle of the Township of Innisfil;

Thence southerly along the westerly boundary of the Township of Innisfil to the centre line of Concession XI;

Thence easterly along the half lot line of Concession XI to the westerly limit of the road allowance between lots 5 and 6;

Thence southerly along the westerly limit of the road allowance between lots 5 and 6 to the northerly limit of Concession X;

Thence easterly along the northerly limit of Concession X to the northeasterly angle of Lot 11 in Concession X;

Thence northerly to and along the easterly limit of Lot 11 in Concession XI to the northerly limit of the southerly half of the said Lot 11 in Concession XI;

Thence easterly to and along the southerly limit of the northerly half of Lot 12 to the southeasterly angle of the northerly half of the said Lot 12;

Thence northerly along the easterly limit of the said Lot 12 to the northerly limit of Concession XI;

Thence easterly along the northerly limit of Concession XI to the easterly limit of the right-of-way of the Canadian National Railway;

Thence northwesterly along the northeasterly limit of the said Railway right-of-way to the easterly limit of the road allowance between lots 15 and 16;

Thence northerly along the easterly limit of the road allowance between lots 15 and 16 to the southerly high water mark of Kempenfelt Bay;

Thence northerly along the northerly prolongation of the said road allowance between lots 15 and 16 to the middle of Kempenfelt Bay;

Thence westerly along the middle of Kempenfelt Bay to an angle in the City of Barrie;

Thence following the boundaries between the Township of Innisfil and the City of Barrie to the westerly boundary of the said City;

Thence westerly along the northerly boundary of the Township of Innisfil to the point of commencement.

SCHEDULE B

AREA TO BE ANNEXED TO THE CITY OF BARRIE ON THE 1ST DAY OF JANUARY, 1987

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the northerly limit of Lot 16, Concession XI of the Township of Innisfil with the easterly limit of the right-of-way of the Canadian National Railway;

Thence easterly along the northerly limit of lots 16, 17 and 18 in Concession XI to the northeasterly angle of the said Lot 18;

Thence northerly to and along the easterly limit of Lot 18 in Concession XII to the northeasterly angle of the said Lot 18;

Thence northerly along the northerly prolongation of the easterly limit of the said Lot 18 in Concession XII to the southerly limit of Concession XIII;

Thence westerly along the southerly limit of Concession XIII to the southwesterly angle of Lot 17;

Thence northerly along the westerly limit of the said Lot 17 and its prolongation to the middle of Kempenfelt Bay;

Thence westerly along the middle of Kempenfelt Bay to intersect the northerly prolongation of the easterly limit of the road allowance between lots 15 and 16;

Thence southerly to and along the easterly limit of the said road allowance to the northeasterly limit of the right-of-way of the Canadian National Railway;

Thence southeasterly along the northeasterly limit of the said Railway right-of-way to the point of commencement.

SCHEDULE C

LANDS NOT TO BE ANNEXED WITHOUT AGREEMENT

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the westerly boundary of the Township of Innisfil and the northerly limit of Concession IX;

Thence easterly along the northerly limit of Concession IX to the northeasterly angle of Lot 11;

Thence northerly to and along the easterly limit of Lot 11 in Concession X to the northeasterly angle of the said Lot 11;

Thence westerly along the northerly limit of the said Concession X to the westerly limit of the road allowance between lots 5 and 6;

Thence northerly along the westerly limit of the said road allowance to the centre line of Concession XI;

Thence westerly along the centre line of the said Concession XI to the westerly boundary of the Township of Innisfil;

Thence southerly along the westerly boundary of the said Township to the point of commencement.

SCHEDULE D

LANDS RESTRICTED TO AGRICULTURE AND MINERAL RESOURCE EXTRACTION AND RELATED USES AREA

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the westerly boundary of the Township of Innisfil and the northerly limit of Concession IX;

Thence easterly along the northerly limit of Concession IX to the northwesterly angle of Lot 15;

Thence northerly to and along the westerly limit of Lot 15 in Concession X to a point distant 522.42 metres (1,713.98 feet) measured south 10° 50′ 50″ east therealong from the northwesterly angle of the said Lot 15;

Thence north 72° 40′ 50″ east 600.80 metres (1,971.1 feet) to a point in the westerly limit of the King's Highway No. 11;

Thence southerly along the westerly limit of the said Highway to the centre line of Concession X;

Thence easterly along the centre line of Concession X to the easterly limit of the road allowance between lots 20 and 21;

Thence northerly along the easterly limit of the said road allowance to the southwesterly angle of Lot 21 in Concession XIII;

Thence westerly to and along the southerly limit of lots 20, 19, 18 and 17 in the said Concession XIII to the southwesterly angle of the said lot 17;

Thence northerly to and along the westerly limit of Lot 17 in Concession XIII to the southerly high water mark of Kempenfelt Bay in Lake Simcoe;

Thence westerly along the said high water mark to the westerly limit of Lot 16 in the said Concession XIII;

Thence southerly along the westerly limit of the said Lot 16 in Concessions XIII and XII to the northeasterly limit of the Canadian National Railway right-of-way;

Thence southeasterly along the northeasterly limit of the said railway right-of-way to the northerly limit of Concession XI;

Thence westerly along the northerly limit of Concession XI to the northeasterly angle of Lot 12;

Thence southerly along the easterly limit of the said Lot 12 to the southerly limit of the northerly half of the said lot;

Thence westerly to and along the northerly limit of the southerly half of the said Lot 12 to the westerly limit of the said Lot 12;

Thence southerly along the westerly limit of the said Lot 12 in Concession XI and its prolongation to the northerly limit of Concession X;

Thence westerly along the northerly limit of the said Concession X to the westerly limit of the road allowance between lots 5 and 6;

Thence northerly along the westerly limit of the said road allowance to the centre line of Concession XI;

Thence westerly along the centre line of the said Concession XI to the westerly boundary of the Township of Innisfil;

Thence southerly along the westerly boundary of the said Township to the point of commencement.

An Act respecting the
City of Barrie and the Township of Innisfil

1st Reading

October 29th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

1981

BILL 156 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act respecting the City of Barrie and the Township of Innisfil

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Reprinted as amended by the General Government Committee)

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill provides for the implementation of the terms of an agreement entered into by the City of Barrie and the Township of Innisfil respecting the annexation of certain lands in the Township by the City.

Among the principal features of the Bill are the following:

1. Certain described lands in the Township are annexed to the City, in the one case, on the 1st day of January, 1982 and in the other, on the 1st day of January, 1987. (s. 2)

2. The City is not to apply for the annexation of certain described lands in the Township for a period of 15 years or to apply for the annexation of any lands in the remainder of the Township for a period of 30 years, except in either case with the consent of the Township. (s. 3)

3. Certain lands in the Township are to be designated in its official plan to ensure the preservation of farm land and to permit mineral resource extraction. (s. 4)

4. The Township's zoning By-law No. 77-81, in so far as it applies to the Township lands annexed to the City in 1982, is deemed to be a by-law of the City and to have been approved by the Ontario Municipal Board. (s. 5)

5. The Minister of Municipal Affairs and Housing is empowered to order, over a transitional period, that different rates of taxation be imposed on the lands annexed to the City and on the remainder of the City, than would otherwise be imposed. (s. 6)

6. Provision is made for the adjustment of assets and liabilities between the City and the Township. (s. 7)

7. The Minister is empowered to redivide the City into wards, taking into consideration the lands annexed, and to provide for other matters consequential thereon. (s. 8)

8. The agreement between the City and the Township respecting the annexations is validated. (s. 9)

9. The Minister is empowered to grant financial assistance in the manner specified to the two municipalities. (s. 10)

10. The Public Utility Commission of the Township of Innisfil is dissolved on the 1st day of January, 1982 and its assets and liabilities vested in the Township. (s. 12)

BILL 156 1981

An Act respecting the City of Barrie and the Township of Innisfil

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "City" means The Corporation of the City of Barrie;

(*b*) "Minister" means the Minister of Municipal Affairs and Housing;

(*c*) "Township" means The Corporation of the Township of Innisfil.

2.—(1) On the 1st day of January, 1982, the portion of the Township of Innisfil described in Schedule A is annexed to the City. Annexation

(2) On the 1st day of January, 1987, the portion of the Township of Innisfil described in Schedule B is annexed to the City. Subsequent annexation

3.—(1) Except as provided in subsection (2), the City shall not apply for the annexation of any lands in the Township of Innisfil before the 1st day of January, 2012, unless the Township agrees to such annexation. City not to apply for annexation of certain lands

(2) The City shall not apply for the annexation of any lands in the Township of Innisfil described in Schedule C, before the 1st day of January, 1997, unless the Township agrees to such annexation. Idem

4.—(1) The portion of the Township of Innisfil described in Schedule D shall be designated by the Township in its official plan, and in subsequent amendments thereto, so as to ensure the preservation of farmland and to permit mineral resource extrac- Official plan designations

tion and uses related to agriculture and mineral resource extraction.

Amendment to official plan R.S.O. 1980, c. 379

(2) Subsections 17 (3), (4) and (5) of the *Planning Act* do not apply where any person requests the council of the Township to amend its official plan in respect of the lands described in Schedule D in a manner inconsistent with the provisions of subsection (1), and any such request shall be refused by the council of the Township.

Zoning by-law of Township deemed by-law of City

5. On and after the 1st day of January, 1982, By-law No. 77-81 of the Township, in so far as it applies to the lands of the Township annexed to the City under subsection 2 (1), shall be deemed to be a by-law of the City and to have been approved by the Ontario Municipal Board.

Order of Minister re rates of taxation

6.—(1) Notwithstanding any term of the agreement referred to in section 9 that provides for the levy and imposition of special rates of taxation, the Minister may provide from time to time, by order, that in the years 1982, 1983, 1984, 1985, 1986 and 1987, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the area annexed to the City under subsection 2 (1) and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.

Idem

(2) Notwithstanding any term of the agreement referred to in section 9 that provides for the levy and imposition of special rates of taxation, the Minister may provide from time to time, by order, that in the years 1987, 1988, 1989, 1990 and 1991, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the area annexed to the City under subsection 2 (2) and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.

Idem

(3) An order made under subsection (1) or (2) may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of an annexed area lower than the rates generally applicable in the City to reflect the extent to which the annexed areas do not receive City services, and the rates may vary among the defined areas.

Adjustment of assets and liabilities

7. The City and the Township may enter into one or more agreements to provide for the adjustment of assets and liabilities between the City and the Township in respect of the areas annexed to the City under subsections 2 (1) and (2) as of the 31st day of December, 1981 and as of the 31st day of December, 1986, respectively.

8.—(1) The Minister may at any time, by order, redivide the City into wards taking into consideration the lands annexed to the City by subsection 2 (1), and subject to subsection (2) of this section, such wards shall remain in effect until altered by the Ontario Municipal Board. Redivision of wards

(2) The Minister may on or before the 1st day of January, 1987, by order, redivide the City into wards taking into consideration the lands annexed to the City by subsection 2 (2), and such wards shall remain in effect until altered by the Ontario Municipal Board. Idem

(3) In respect of the general municipal election to be held in the City next preceding the 1st day of January, 1987, the Minister may, by order, provide for the qualification of electors, the preparation of polling lists and such other matters as he considers necessary to ensure that residents in the area annexed to the City by subsection 2 (2) are enabled to vote or stand for office at such election. Qualification of electors, etc.

(4) An order made under subsection (1) or (2) may provide for the composition of the council of the City, and such composition shall remain in effect until altered by the Ontario Municipal Board. Composition of council

9. The City and the Township and those negotiating on their behalf shall be deemed to have always had the power to negotiate and enter into the agreement set out in the Barrie-Innisfil Negotiating Committee Recommendation for Agreement and the City and the Township are hereby authorized to implement the agreement in accordance with its terms. Barrie-Innisfil Negotiating Committee Recommendation for Agreement

10. The Minister may, by order, Grants, etc.

(*a*) provide for the participation by the Province in the financing of any services, or the expansion thereof, by the City or the Township; and

(*b*) provide for the payment of grants to the City or to the Township under such terms and conditions as the Minister considers appropriate.

11. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are necessary or advisable to carry out the purposes or intent of the agreement between the City and the Township or of this Act. Conditional powers of L.G. in C.

12. The Public Utility Commission of the Township of Innisfil is dissolved effective the 1st day of January, 1982, and all Public Utility Commission dissolved

its rights, obligations, assets and liabilities are thereupon transferred to and vested in the Township.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *Barrie-Innisfil Annexation Act, 1981*.

SCHEDULE A

AREA TO BE ANNEXED TO THE CITY OF BARRIE ON THE 1ST DAY OF JANUARY, 1982

That portion of the Township of Innisfil described as follows:

Commencing at the northwesterly angle of the Township of Innisfil;

Thence southerly along the westerly boundary of the Township of Innisfil to the centre line of Concession XI;

Thence easterly along the half lot line of Concession XI to the westerly limit of the road allowance between lots 5 and 6;

Thence southerly along the westerly limit of the road allowance between lots 5 and 6 to the northerly limit of Concession X;

Thence easterly along the northerly limit of Concession X to the northeasterly angle of Lot 11 in Concession X;

Thence northerly to and along the easterly limit of Lot 11 in Concession XI to the northerly limit of the southerly half of the said Lot 11 in Concession XI;

Thence easterly to and along the southerly limit of the northerly half of Lot 12 to the southeasterly angle of the northerly half of the said Lot 12;

Thence northerly along the easterly limit of the said Lot 12 to the northerly limit of Concession XI;

Thence easterly along the northerly limit of Concession XI to the easterly limit of the right-of-way of the Canadian National Railway;

Thence northwesterly along the northeasterly limit of the said Railway right-of-way to the easterly limit of the road allowance between lots 15 and 16;

Thence northerly along the easterly limit of the road allowance between lots 15 and 16 to the southerly high water mark of Kempenfelt Bay;

Thence northerly along the northerly prolongation of the said road allowance between lots 15 and 16 to the middle of Kempenfelt Bay;

Thence westerly along the middle of Kempenfelt Bay to an angle in the City of Barrie;

Thence following the boundaries between the Township of Innisfil and the City of Barrie to the westerly boundary of the said City;

Thence westerly along the northerly boundary of the Township of Innisfil to the point of commencement.

SCHEDULE B

AREA TO BE ANNEXED TO THE CITY OF BARRIE ON THE 1ST DAY OF JANUARY, 1987

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the northerly limit of Lot 16, Concession XI of the Township of Innisfil with the easterly limit of the right-of-way of the Canadian National Railway;

Thence easterly along the northerly limit of lots 16, 17 and 18 in Concession XI to the northeasterly angle of the said Lot 18;

Thence northerly to and along the easterly limit of Lot 18 in Concession XII to the northeasterly angle of the said Lot 18;

Thence northerly along the northerly prolongation of the easterly limit of the said Lot 18 in Concession XII to the southerly limit of Concession XIII;

Thence westerly along the southerly limit of Concession XIII to the southwesterly angle of Lot 17;

Thence northerly along the westerly limit of the said Lot 17 and its prolongation to the middle of Kempenfelt Bay;

Thence westerly along the middle of Kempenfelt Bay to intersect the northerly prolongation of the easterly limit of the road allowance between lots 15 and 16;

Thence southerly to and along the easterly limit of the said road allowance to the northeasterly limit of the right-of-way of the Canadian National Railway;

Thence southeasterly along the northeasterly limit of the said Railway right-of-way to the point of commencement.

SCHEDULE C

LANDS NOT TO BE ANNEXED WITHOUT AGREEMENT

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the westerly boundary of the Township of Innisfil and the northerly limit of Concession IX;

Thence easterly along the northerly limit of Concession IX to the northeasterly angle of Lot 11;

Thence northerly to and along the easterly limit of Lot 11 in Concession X to the northeasterly angle of the said Lot 11;

Thence westerly along the northerly limit of the said Concession X to the westerly limit of the road allowance between lots 5 and 6;

Thence northerly along the westerly limit of the said road allowance to the centre line of Concession XI;

Thence westerly along the centre line of the said Concession XI to the westerly boundary of the Township of Innisfil;

Thence southerly along the westerly boundary of the said Township to the point of commencement.

SCHEDULE D

LANDS RESTRICTED TO AGRICULTURE AND MINERAL RESOURCE EXTRACTION AND RELATED USES AREA

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the westerly boundary of the Township of Innisfil and the northerly limit of Concession IX;

Thence easterly along the northerly limit of Concession IX to the northwesterly angle of Lot 15;

Thence northerly to and along the westerly limit of Lot 15 in Concession X to a point distant 522.42 metres (1,713.98 feet) measured south 10° 50′ 50″ east therealong from the northwesterly angle of the said Lot 15;

Thence north 72° 40′ 50″ east 600.80 metres (1,971.1 feet) to a point in the westerly limit of the King's Highway No. 11;

Thence southerly along the westerly limit of the said Highway to the centre line of Concession X;

Thence easterly along the centre line of Concession X to the easterly limit of the road allowance between lots 20 and 21;

Thence northerly along the easterly limit of the said road allowance to the southwesterly angle of Lot 21 in Concession XIII;

Thence westerly to and along the southerly limit of lots 20, 19, 18 and 17 in the said Concession XIII to the southwesterly angle of the said lot 17;

Thence northerly to and along the westerly limit of Lot 17 in Concession XIII to the southerly high water mark of Kempenfelt Bay in Lake Simcoe;

Thence westerly along the said high water mark to the westerly limit of Lot 16 in the said Concession XIII;

Thence southerly along the westerly limit of the said Lot 16 in Concessions XIII and XII to the northeasterly limit of the Canadian National Railway right-of-way;

Thence southeasterly along the northeasterly limit of the said railway right-of-way to the northerly limit of Concession XI;

Thence westerly along the northerly limit of Concession XI to the northeasterly angle of Lot 12;

Thence southerly along the easterly limit of the said Lot 12 to the southerly limit of the northerly half of the said lot;

Thence westerly to and along the northerly limit of the southerly half of the said Lot 12 to the westerly limit of the said Lot 12;

Thence southerly along the westerly limit of the said Lot 12 in Concession XI and its prolongation to the northerly limit of Concession X;

Thence westerly along the northerly limit of the said Concession X to the westerly limit of the road allowance between lots 5 and 6;

Thence northerly along the westerly limit of the said road allowance to the centre line of Concession XI;

Thence westerly along the centre line of the said Concession XI to the westerly boundary of the Township of Innisfil;

Thence southerly along the westerly boundary of the said Township to the point of commencement.

An Act respecting the
City of Barrie and the Township of Innisfil

1st Reading

October 29th, 1981

2nd Reading

December 8th, 1981

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(Reprinted as amended by the General Government Committee)

BILL 156

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act respecting the City of Barrie and the Township of Innisfil

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

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1. In this Act, Interpretation

(*a*) "City" means The Corporation of the City of Barrie;

(*b*) "Minister" means the Minister of Municipal Affairs and Housing;

(*c*) "Township" means The Corporation of the Township of Innisfil.

2.—(1) On the 1st day of January, 1982, the portion of the Township of Innisfil described in Schedule A is annexed to the City. Annexation

(2) On the 1st day of January, 1987, the portion of the Township of Innisfil described in Schedule B is annexed to the City. Subsequent annexation

3.—(1) Except as provided in subsection (2), the City shall not apply for the annexation of any lands in the Township of Innisfil before the 1st day of January, 2012, unless the Township agrees to such annexation. City not to apply for annexation of certain lands

(2) The City shall not apply for the annexation of any lands in the Township of Innisfil described in Schedule C, before the 1st day of January, 1997, unless the Township agrees to such annexation. Idem

4.—(1) The portion of the Township of Innisfil described in Schedule D shall be designated by the Township in its official plan, and in subsequent amendments thereto, so as to ensure the preservation of farmland and to permit mineral resource extrac- Official plan designations

tion and uses related to agriculture and mineral resource extraction.

Amendment to official plan
R.S.O. 1980, c. 379

(2) Subsections 17 (3), (4) and (5) of the *Planning Act* do not apply where any person requests the council of the Township to amend its official plan in respect of the lands described in Schedule D in a manner inconsistent with the provisions of subsection (1), and any such request shall be refused by the council of the Township.

Zoning by-law of Township deemed by-law of City

5. On and after the 1st day of January, 1982, By-law No. 77-81 of the Township, in so far as it applies to the lands of the Township annexed to the City under subsection 2 (1), shall be deemed to be a by-law of the City and to have been approved by the Ontario Municipal Board.

Order of Minister re rates of taxation

6.—(1) Notwithstanding any term of the agreement referred to in section 9 that provides for the levy and imposition of special rates of taxation, the Minister may provide from time to time, by order, that in the years 1982, 1983, 1984, 1985, 1986 and 1987, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the area annexed to the City under subsection 2 (1) and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.

Idem

(2) Notwithstanding any term of the agreement referred to in section 9 that provides for the levy and imposition of special rates of taxation, the Minister may provide from time to time, by order, that in the years 1987, 1988, 1989, 1990 and 1991, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the area annexed to the City under subsection 2 (2) and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.

Idem

(3) An order made under subsection (1) or (2) may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of an annexed area lower than the rates generally applicable in the City to reflect the extent to which the annexed areas do not receive City services, and the rates may vary among the defined areas.

Adjustment of assets and liabilities

7. The City and the Township may enter into one or more agreements to provide for the adjustment of assets and liabilities between the City and the Township in respect of the areas annexed to the City under subsections 2 (1) and (2) as of the 31st day of December, 1981 and as of the 31st day of December, 1986, respectively.

8.—(1) The Minister may at any time, by order, redivide the City into wards taking into consideration the lands annexed to the City by subsection 2 (1), and subject to subsection (2) of this section, such wards shall remain in effect until altered by the Ontario Municipal Board. Redivision of wards

(2) The Minister may on or before the 1st day of January, 1987, by order, redivide the City into wards taking into consideration the lands annexed to the City by subsection 2 (2), and such wards shall remain in effect until altered by the Ontario Municipal Board. Idem

(3) In respect of the general municipal election to be held in the City next preceding the 1st day of January, 1987, the Minister may, by order, provide for the qualification of electors, the preparation of polling lists and such other matters as he considers necessary to ensure that residents in the area annexed to the City by subsection 2 (2) are enabled to vote or stand for office at such election. Qualification of electors, etc.

(4) An order made under subsection (1) or (2) may provide for the composition of the council of the City, and such composition shall remain in effect until altered by the Ontario Municipal Board. Composition of council

9. The City and the Township and those negotiating on their behalf shall be deemed to have always had the power to negotiate and enter into the agreement set out in the Barrie-Innisfil Negotiating Committee Recommendation for Agreement and the City and the Township are hereby authorized to implement the agreement in accordance with its terms. Barrie-Innisfil Negotiating Committee Recommendation for Agreement

10. The Minister may, by order, Grants, etc.

(*a*) provide for the participation by the Province in the financing of any services, or the expansion thereof, by the City or the Township; and

(*b*) provide for the payment of grants to the City or to the Township under such terms and conditions as the Minister considers appropriate.

11. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are necessary or advisable to carry out the purposes or intent of the agreement between the City and the Township or of this Act. Conditional powers of L.G. in C.

12. The Public Utility Commission of the Township of Innisfil is dissolved effective the 1st day of January, 1982, and all Public Utility Commission dissolved

its rights, obligations, assets and liabilities are thereupon transferred to and vested in the Township.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. The short title of this Act is the *Barrie-Innisfil Annexation Act, 1981*.

SCHEDULE A

AREA TO BE ANNEXED TO THE CITY OF BARRIE ON THE 1ST DAY OF JANUARY, 1982

That portion of the Township of Innisfil described as follows:

Commencing at the northwesterly angle of the Township of Innisfil;

Thence southerly along the westerly boundary of the Township of Innisfil to the centre line of Concession XI;

Thence easterly along the half lot line of Concession XI to the westerly limit of the road allowance between lots 5 and 6;

Thence southerly along the westerly limit of the road allowance between lots 5 and 6 to the northerly limit of Concession X;

Thence easterly along the northerly limit of Concession X to the northeasterly angle of Lot 11 in Concession X;

Thence northerly to and along the easterly limit of Lot 11 in Concession XI to the northerly limit of the southerly half of the said Lot 11 in Concession XI;

Thence easterly to and along the southerly limit of the northerly half of Lot 12 to the southeasterly angle of the northerly half of the said Lot 12;

Thence northerly along the easterly limit of the said Lot 12 to the northerly limit of Concession XI;

Thence easterly along the northerly limit of Concession XI to the easterly limit of the right-of-way of the Canadian National Railway;

Thence northwesterly along the northeasterly limit of the said Railway right-of-way to the easterly limit of the road allowance between lots 15 and 16;

Thence northerly along the easterly limit of the road allowance between lots 15 and 16 to the southerly high water mark of Kempenfelt Bay;

Thence northerly along the northerly prolongation of the said road allowance between lots 15 and 16 to the middle of Kempenfelt Bay;

Thence westerly along the middle of Kempenfelt Bay to an angle in the City of Barrie;

Thence following the boundaries between the Township of Innisfil and the City of Barrie to the westerly boundary of the said City;

Thence westerly along the northerly boundary of the Township of Innisfil to the point of commencement.

SCHEDULE B

AREA TO BE ANNEXED TO THE CITY OF BARRIE ON THE 1ST DAY OF JANUARY, 1987

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the northerly limit of Lot 16, Concession XI of the Township of Innisfil with the easterly limit of the right-of-way of the Canadian National Railway;

Thence easterly along the northerly limit of lots 16, 17 and 18 in Concession XI to the northeasterly angle of the said Lot 18;

Thence northerly to and along the easterly limit of Lot 18 in Concession XII to the northeasterly angle of the said Lot 18;

Thence northerly along the northerly prolongation of the easterly limit of the said Lot 18 in Concession XII to the southerly limit of Concession XIII;

Thence westerly along the southerly limit of Concession XIII to the southwesterly angle of Lot 17;

Thence northerly along the westerly limit of the said Lot 17 and its prolongation to the middle of Kempenfelt Bay;

Thence westerly along the middle of Kempenfelt Bay to intersect the northerly prolongation of the easterly limit of the road allowance between lots 15 and 16;

Thence southerly to and along the easterly limit of the said road allowance to the northeasterly limit of the right-of-way of the Canadian National Railway;

Thence southeasterly along the northeasterly limit of the said Railway right-of-way to the point of commencement.

SCHEDULE C

LANDS NOT TO BE ANNEXED WITHOUT AGREEMENT

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the westerly boundary of the Township of Innisfil and the northerly limit of Concession IX;

Thence easterly along the northerly limit of Concession IX to the northeasterly angle of Lot 11;

Thence northerly to and along the easterly limit of Lot 11 in Concession X to the northeasterly angle of the said Lot 11;

Thence westerly along the northerly limit of the said Concession X to the westerly limit of the road allowance between lots 5 and 6;

Thence northerly along the westerly limit of the said road allowance to the centre line of Concession XI;

Thence westerly along the centre line of the said Concession XI to the westerly boundary of the Township of Innisfil;

Thence southerly along the westerly boundary of the said Township to the point of commencement.

SCHEDULE D

LANDS RESTRICTED TO AGRICULTURE AND MINERAL RESOURCE EXTRACTION AND RELATED USES AREA

That portion of the Township of Innisfil described as follows:

Commencing at the intersection of the westerly boundary of the Township of Innisfil and the northerly limit of Concession IX;

Thence easterly along the northerly limit of Concession IX to the northwesterly angle of Lot 15;

Thence northerly to and along the westerly limit of Lot 15 in Concession X to a point distant 522.42 metres (1,713.98 feet) measured south 10° 50′ 50″ east therealong from the northwesterly angle of the said Lot 15;

Thence north 72° 40′ 50″ east 600.80 metres (1,971.1 feet) to a point in the westerly limit of the King's Highway No. 11;

Thence southerly along the westerly limit of the said Highway to the centre line of Concession X;

Thence easterly along the centre line of Concession X to the easterly limit of the road allowance between lots 20 and 21;

Thence northerly along the easterly limit of the said road allowance to the southwesterly angle of Lot 21 in Concession XIII;

Thence westerly to and along the southerly limit of lots 20, 19, 18 and 17 in the said Concession XIII to the southwesterly angle of the said lot 17;

Thence northerly to and along the westerly limit of Lot 17 in Concession XIII to the southerly high water mark of Kempenfelt Bay in Lake Simcoe;

Thence westerly along the said high water mark to the westerly limit of Lot 16 in the said Concession XIII;

Thence southerly along the westerly limit of the said Lot 16 in Concessions XIII and XII to the northeasterly limit of the Canadian National Railway right-of-way;

Thence southeasterly along the northeasterly limit of the said railway right-of-way to the northerly limit of Concession XI;

Thence westerly along the northerly limit of Concession XI to the northeasterly angle of Lot 12;

Thence southerly along the easterly limit of the said Lot 12 to the southerly limit of the northerly half of the said lot;

Thence westerly to and along the northerly limit of the southerly half of the said Lot 12 to the westerly limit of the said Lot 12;

Thence southerly along the westerly limit of the said Lot 12 in Concession XI and its prolongation to the northerly limit of Concession X;

Thence westerly along the northerly limit of the said Concession X to the westerly limit of the road allowance between lots 5 and 6;

Thence northerly along the westerly limit of the said road allowance to the centre line of Concession XI;

Thence westerly along the centre line of the said Concession XI to the westerly boundary of the Township of Innisfil;

Thence southerly along the westerly boundary of the said Township to the point of commencement.



An Act respecting the
City of Barrie and the Township of Innisfil

1st Reading

October 29th, 1981

2nd Reading

December 8th, 1981

3rd Reading

December 17th, 1981

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

BILL 157 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to provide for the Licensing of Businesses by Municipalities

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The Bill removes from the *Municipal Act* a large number of provisions for the licensing and regulating of a variety of specific trades or businesses and confers a general authority on all local municipalities to pass by-laws to licence, regulate and govern any business carried on within the municipality, provided the terms of any such licensing and regulating by-law do not conflict with Provincial statutes or regulations thereunder dealing with any particular business.

Among the principal features of the Bill are the following:

1. Authority is conferred on the councils of all local municipalities to pass by-laws for licensing, regulating and governing any business carried on within the municipality (s. 2 (1)).

2. The specific powers that are comprised within the general power to license, regulate and govern are set out: some examples of these included powers are,

   (*a*) the power to prohibit the carrying on of a business without a licence (s. 2 (4) (*a*));

   (*b*) the power to define a class or classes of business and to separately license each such class (s. 2 (4) (*c*));

   (*c*) the power to regulate the hours of operation of a business (s. 2 (4) (*d*));

   (*d*) subject to certain exceptions, the power to require an applicant for a licence to submit to an examination to determine his competence in the relevant field (s. 2 (4) (*e*));

   (*e*) the power to require persons carrying on a business to maintain adequate insurance coverage (s. 2 (4) (*g*));

   (*f*) the power to refuse, revoke or suspend a licence following a hearing either by council or by a committee appointed by council (s. 2 (4) (*h*));

   (*g*) the power to fix a fee not exceeding $10 per annum for a licence or, where a pre-licensing inspection is required, $25 per annum; or in the alternative, to fix licensing fees generally in such amounts that the revenue obtained not exceed the municipality's administrative expenses incurred in respect of licensing (s. 2 (4) (*k*) and s. 2 (5, 6)).

3. Where a licensing by-law conflicts with Provincial statutes or regulations thereunder the statute or regulation prevails (s. 2 (7)).

4. The Lieutenant Governor in Council may by regulation exempt specified businesses from the operation of municipal licensing by-laws (s. 2 (8)).

5. Monopoly rights are not to be granted (s. 3).

6. Licensing by-laws automatically expire 5 years after their passage (s. 6).

7. Certain additional powers as specified may be exercised in respect of body-rub parlours, adult entertainment parlours, taxicabs, buses and cartage vehicles, auctioneers and others (s. 4 (1-5)).

8. Where a licence is revoked or the holder thereof goes out of business, a proportionate part of the fee may be refunded (s. 4 (6)).

9. The included powers set out in s. 2 (4) of the Bill are conferred in respect of by-laws passed under those sections of the *Municipal Act* that remain in that Act for the licensing of certain businesses (s. 5).

10. A large number of provisions relating to licensing and regulating specific business presently to be found in the *Municipal Act* are repealed (ss. 9-20).

11. Certain other statutes and provisions to be found outside the *Municipal Act* relating to licensing are repealed (s. 21).

12. The Act is to come into force on the 1st day of January, 1983 (s. 22).

BILL 157 1981

An Act to provide for the Licensing of Businesses by Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act, "business" means any trade, calling, business, occupation, manufacture or industry and includes the sale or hire of goods or services on an intermittent or one-time basis.

Licensing, regulating, etc., businesses

2.—(1) Notwithstanding any provision in any other general or special Act, but subject to subsection (7), by-laws may be passed by the councils of local municipalities for licensing, regulating and governing any business carried on within the municipality.

Where business deemed carried on in municipality

(2) Where a person in pursuit of a business exposes samples, patterns or specimens of any goods, wares or merchandise that are to be delivered in the municipality afterwards, he shall, for the purpose of subsection (1), be deemed to be carrying on business in the municipality.

County by-law licensing auctioneers, etc.

(3) The council of a county may pass by-laws for licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, within the county.

(*a*) A by-law passed by the council of a county under this subsection does not apply in a local municipality within the county where the council of that local municipality has passed a by-law for a similar purpose.

Included powers

(4) The power to license, regulate and govern a business includes,

(*a*) the power to prohibit the carrying on of or the engaging in the business without a licence;

(*b*) the power to license, regulate or govern the place or premises used in the carrying on of such business and the persons carrying it on or engaged in it;

(*c*) the power to define a class or classes of a business and to separately license, regulate and govern each of such class or classes or to specify that any of such class or classes shall not be subject to the provisions, or to any particular provision, of the by-law;

R.S.O. 1980, c. 302

(*d*) subject to paragraph 1 and sections 213 and 214 of the *Municipal Act*, the power to regulate the hours of operation of the business:

1. Nothing in this clause confers the power to regulate the hours of operation of a shop as defined in subsection 211 (1) of the *Municipal Act*;

(*e*) subject to paragraph 3, the power to require an applicant, as a condition of the granting to him of a licence, to submit to an examination to determine his competence to carry on or engage in the business or any class of the business in respect of which he is applying for a licence and to refuse to grant a licence or to grant a licence upon conditions to such an applicant in respect of a business or any class of a business where he fails to pass the required examination:

1. The power to require an examination of an applicant for a licence to carry on or engage in a business includes the power to require an examination of an applicant who did not hold a licence to carry on or engage in that business in the municipality for a period immediately preceding the period for which he is applying for the licence and of an applicant or holder of a licence where the licence last held by him for the carrying on or engaging in of the business in the municipality or in another municipality was revoked on the grounds that the applicant or holder of the licence was shown to have carried on or engaged in the business in an incompetent manner whether or not such grounds were the sole grounds on which the licence was revoked.

A. Where the holder of a licence fails to pass an examination required of him

under paragraph 1, the council may revoke his licence.

2. The power to require an examination of an applicant for a licence to carry on or engage in a business includes the power to exempt from such requirement any applicant who holds such evidence of qualification, including a licence issued in respect of the business by any other specified municipality, as may be prescribed in the by-law.

3. Where a person who holds a certificate of apprenticeship or a certificate of qualification issued under the *Apprenticeship and Tradesmen's Qualification Act* in respect of a trade or branch of a trade applies for a licence to engage in or carry on the trade or branch of the trade in respect of which the certificate was issued, he shall not be required to submit to an examination as a condition of the granting to him of the licence, but a licence granted to such a person under a by-law passed under this section may be revoked or suspended on the grounds that he has been shown to have carried on or engaged in the business in an incompetent manner and upon such revocation or suspension, he is no longer entitled to the benefit of this paragraph. R.S.O. 1980, c. 24

A. Where a municipality has passed a by-law for the licensing and examining of master tradesmen engaged in or carrying on work in respect of a specific trade, a person is not exempted from submitting to an examination under that by-law by virtue only of the fact that he holds a certificate of apprenticeship or certificate of qualification in respect of the trade under the *Apprenticeship and Tradesmen's Qualification Act*.

B. For the purpose of subparagraph A, "master tradesman" means a person who is skilled in the planning, superintending and installing of parts, equipment, appliances and any other things relating to the trade in respect of which he is a master tradesman, who is familiar with the laws, rules and regulations governing the same, who has a regular place of

business in Ontario and who, himself, or by journeymen tradesmen in his employ performs the trade and "journeyman tradesman" means a person who has been issued a certificate of qualification in a trade under the *Apprenticeship and Tradesmen's Qualification Act*;

R.S.O. 1980, c. 24

(*f*) the power to regulate, govern and inspect the premises, facilities, equipment, vehicles and other personal property used or kept for hire in connection with the carrying on of the business and to provide for imposing a fine upon any person carrying on or engaged in the business who refuses to allow the carrying out of an inspection at any reasonable time under a by-law passed under this clause;

(*g*) the power to require the persons carrying on or engaged in the business to provide such public liability, property damage, cargo, or other insurance in such form and to such amounts of coverage as may be prescribed in the by-law, and where such insurance is not so provided, the council may refuse to grant a licence to that person for the carrying on of that business or may revoke or suspend any such licence;

(*h*) the power to grant or refuse a licence for the carrying on or engaging in of such business or to revoke or suspend such licence and to make any suspension subject to such terms or conditions as council may prescribe:

R.S.O. 1980, c. 498

1. Subject to the *Theatres Act*, the exercise of the power mentioned in this clause is in the discretion of the council, which discretion shall be exercised upon such grounds as are set out in a by-law passed under subsection (1) or (3), and a decision made pursuant to the exercise of that power is final.

2. The council shall not refuse to grant a licence to any applicant or suspend or revoke the licence of any person without first affording to such applicant or person the opportunity to be heard.

3. The council may provide for hearings under paragraph 2 to be conducted and opportunities

for such hearings to be afforded by a committee to consist of one or more persons, at least one of whom shall be a member of council, and the provisions of section 106 of the *Municipal Act* apply with necessary modifications to hearings conducted and opportunities for hearings afforded by a committee under this paragraph. R.S.O. 1980, c. 302

4. The council shall not refuse to grant a licence with respect to the carrying on of a business by reason only of the location of such business except that the council shall refuse to grant a licence where the location of the business proposed to be carried on is such that the carrying on of the business would be in contravention of a by-law passed under section 39 of the *Planning Act* or a predecessor of such section or of an order of the Minister made under clause 35 (1) (*a*) of the *Planning Act* or of a regulation made by the Minister under section 4 of the *Parkway Belt Planning and Development Act*, or would be in contravention of subsection 24 (1) of the *Niagara Escarpment Planning and Development Act*. R.S.O. 1980, cc. 379, 368, 316

5. The council may refuse to grant a licence or may revoke or suspend a licence where the business in respect of which the licence is to be or has been granted is to be carried on or is carried on in contravention of a by-law of the municipality;

(*i*) the power to fix the time for which the licence shall be in force;

(*j*) the power to suspend, until the fine is paid, the licence of any person upon whom a fine has been imposed under the *Provincial Offences Act* for the contravention of the licensing by-law under which the licence was granted where the fine or any part of the fine is due and unpaid for fifteen days or more; R.S.O. 1980, c. 400

(*k*) subject to subsections (5) and (6), the power to fix the fee to be paid for the licence as a condition of the licence being granted which fee may be such amount as the council considers advisable.

(5) The fee to be paid for a licence shall not exceed, Limitation on amount of fees

(*a*) $10 per annum; or

(*b*) where an inspection is required in respect of a business as a condition precedent to the granting of a licence to carry on the business, $25 per annum.

Idem

(6) As an alternative to fixing licence fees in accordance with subsection (5), the council may fix the fees for licences issued by it in such amounts that the total of the fees paid to the municipality for all such licences in any year does not exceed the total of all expenditures made by the municipality in that year for administering and enforcing the licensing by-laws of the municipality in respect of those licences.

(*a*) Subsection (5) and this subsection do not apply to fees fixed or paid or expenditures made in respect of a by-law for the licensing of a business to which subsections 4 (1), (2) or (3) apply.

Conflict

(7) Where the provisions of a by-law passed under subsection (1) or (3) are in conflict with the provisions of any Act or of any regulation or rule made under any Act for licensing, regulating or otherwise controlling any business or the persons carrying on or engaged in any business the provisions of the Act or regulation or rule, as the case may be, prevail to the extent of the conflict.

Regulations

(8) Notwithstanding subsection (1), the Lieutenant Governor in Council may make regulations providing that any business or class of business shall not be subject to,

(*a*) a by-law passed under this Act; or

(*b*) those provisions of a by-law passed under this Act that implement such of the powers set out in subsection (4) as are specified in the regulation.

Granting monopolies prohibited
R.S.O. 1980, cc. 302, 160, 496

3. Subject to section 119 of the *Municipal Act* and to section 6 of the *Ferries Act* and to section 100 of the *Telephone Act*, a council shall not confer on any person the exclusive right of exercising, within the municipality, any business, or impose a special tax on any person exercising it, or require a licence to be taken for exercising it, unless authorized or required by this or any other Act so to do.

Scope of by-law, body-rub parlours

4.—(1) Where a by-law has been passed under subsection 2 (1) for licensing or regulating body-rub parlours, the by-law may,

(*a*) limit the number of licences to be granted, in accordance with clause (*c*);

(*b*) provide for regulating the placement, construction, size, nature and character of signs, advertising, and advertising devices, including any printed matter, oral or other communication or thing, posted or used for the purpose of promoting body-rub parlours or for the prohibition of such signs, advertising, or advertising devices;

(*c*) notwithstanding paragraph 4 of clause 2 (4) (*h*), define the area or areas of the municipality in which body-rub parlours may or may not operate and may limit the number of licences to be granted in respect of body-rub parlours in any such area or areas in which they are permitted;

(*d*) prohibit any person carrying on or engaged in the trade, calling, business or occupation for which a licence is required under a by-law mentioned in this subsection from permitting any person under the age of eighteen years to enter or remain in the body-rub parlour or any part thereof;

(*e*) provide that no premises in which a body-rub parlour is located shall be constructed or equipped so as to hinder or prevent the enforcement of the by-law:

1. Where a medical officer of health or a public health inspector acting under his direction, or a peace officer, has reason to suspect that a breach of any provision of a by-law mentioned in this subsection has occurred in respect of a body-rub parlour, he may enter such body-rub parlour, at any time of the night or day, for purposes of carrying out the enforcement of the by-law.

2. For the purpose of any prosecution or proceeding under a by-law mentioned in this subsection, the holding out to the public that services described in paragraph 4 are provided in premises or any part thereof, is admissible in evidence as *prima facie* proof that the premises or part thereof is a body-rub parlour.

3. Nothing in this subsection affects the power that may be exercised by a municipality under this or any other general or special

Act to license, regulate or govern any other trade, calling, business or occupation.

4. For the purposes of this subsection,

i. "body-rub parlour" includes any premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario; and

ii. "body-rub" includes the kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a person's body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

Scope of by-law, adult entertainment parlours

(2) Where a by-law has been passed under subsection 2 (1) for licensing or regulating adult entertainment parlours, such by-law may,

(*a*) limit the number of licences to be granted, in accordance with clause (*c*);

(*b*) regulate the placement, construction, size, nature and character of signs, advertising, and advertising devices, including any printed matter, oral or other communication or thing, posted or used for the purpose of promoting adult entertainment parlours or any class or classes thereof or for the prohibition of such signs, advertising or advertising devices;

(*c*) notwithstanding paragraph 4 of clause 2 (4) (*h*), define the area or areas of the municipality in which adult entertainment parlours or any class or classes thereof may or may not operate and may limit the number of licences to be granted in respect of adult entertainment parlours or any class or classes thereof in any such area or areas in which they are permitted;

(*d*) notwithstanding clause 2 (4) (*d*) and section 211 of the *Municipal Act*, regulate the hours of operation of adult entertainment parlours or any class or classes thereof; R.S.O. 1980, c. 302

(*e*) prohibit any person carrying on or engaged in the trade, calling, business or occupation for which a licence is required under a by-law mentioned in this subsection from permitting any person under the age of eighteen years to enter or remain in the adult entertainment parlour or any part thereof;

(*f*) provide that no premises in which an adult entertainment parlour is located shall be constructed or equipped so as to hinder or prevent the enforcement of the by-law:

1. Where a medical officer of health or a public health inspector acting under his direction, or a peace officer, has reason to suspect that a breach of any provision of a by-law mentioned in this subsection has occurred in respect of an adult entertainment parlour, he may enter such adult entertainment parlour, at any time of the night or day, for purposes of carrying out the enforcement of the by-law.

2. For the purpose of any prosecution or proceeding under a by-law mentioned in this subsection, the holding out to the public that goods or services described in paragraph 4 are provided in premises, or any part thereof, is admissible in evidence as *prima facie* proof that the premises or part thereof is an adult entertainment parlour.

3. Nothing in this subsection affects the power that may be exercised by a municipality under this or any other general or special Act to license, regulate or govern any other trade, calling, business or occupation.

4. In this subsection,

(*a*) "adult entertainment parlour" means any premises or part thereof in which is provided in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to

appeal to, erotic or sexual appetites or inclinations;

(*b*) "goods" includes books, magazines, pictures, slides, film, phonograph records, prerecorded magnetic tape and any other reading, viewing or listening matter;

(*c*) "to provide" when used in relation to goods includes to sell, offer to sell or display for sale, by retail or otherwise such goods, and "providing" and "provision" have corresponding meanings;

(*d*) "to provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings;

(*e*) "services" includes activities, facilities, performances, exhibitions, viewings and encounters;

(*f*) "services designed to appeal to erotic or sexual appetites or inclinations" includes,

(i) services of which a principal feature or characteristic is the nudity or partial nudity of any person,

(ii) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

5. A by-law mentioned in this subsection does not apply to premises or trades, callings, businesses or occupations carried on in premises licensed under the *Theatres Act* or licensed under a by-law mentioned in subsection (1).

R.S.O. 1980, c. 498

Scope of by-law, cabs, buses, etc.

(3) Where a by-law has been passed under subsection 2 (1) for licensing or regulating owners or drivers of cabs or buses used for

hire or owners, operators or drivers of motor or other vehicles used for hire for the carriage of goods or passengers, such by-law may,

(*a*) establish the rates or fares to be charged by the owners, operators or drivers of such vehicles for the conveyance of goods or passengers either wholly within the municipality or to any point not more than five kilometres beyond its limits and provide for the collection of such rates or fares;

(*b*) limit the number of cabs or buses used for hire or motor or other vehicles used for hire for the carriage of goods or passengers, or any class or classes thereof, that may be operated in the municipality:

1. No by-law mentioned in this subsection passed by the Council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport;

(*c*) provide that the by-law, incuding any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality, except where such conveyance is made to an airport owned and operated by the Crown in right of Canda situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act* (Canada);

R.S.C. 1970, c. T-15

(*d*) exempt from all or any of its provisions, upon such conditions as may be set out in the by-law, owners and drivers of cabs engaged in the conveyance of,

(i) children taking the cab both to and from nursery school, school or other full-time education institution, or

(ii) physically, emotionally or mentally handicapped persons, as defined in the by-law,

from any point within the municipality to any point outside the municipality, where the conveyance is made pursuant to a written contract for the use of a cab with respect to which there is a valid and subsisting licence issued under a by-law passed under this paragraph by another municipality; and

(*e*) exempt from all or any of its provisions owners and drivers of cabs with respect to which there is a valid and subsisting licence issued under this paragraph by another municipality named in the by-law.

Scope of by-law, salesmen

(4) Where a by-law has been passed under subsection 2 (1) for the licensing, regulating and governing of persons who go from place to place or to a particular place with goods, wares or merchandise for sale,

(*a*) the licensee shall at all times while carrying on his business have his licence with him and shall upon demand exhibit it to any municipal or peace officer, and if he fails to do so is guilty of an offence, unless the same is accounted for satisfactorily, and on conviction is liable to a fine not to exceed $200;

(*b*) if a peace officer demands the production of a licence by any persons to whom the by-law applies and the demand is not complied with, it is the duty of the peace officer and he has power to arrest such person without a warrant and to take him before the nearest justice of the peace, there to be dealt with according to the law.

Auctioneers, etc., by-law not to apply to sheriff

(5) Where a by-law has been passed under subsection 2 (1) or (3) for licensing or regulating auctioneers or other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, such by-law does not apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

Refund when licence revoked, etc.

(6) Where a licence granted in respect of a business is revoked or where a business in respect of which a licence has been granted ceases to operate and where a fee has been paid for the granting of the licence, the council may, upon the application of the licensee, refund that part of the licence fee that is proportionate to the portion of the term remaining from the date upon which the licence was revoked or the business ceased to operate.

Application to licensing powers under R.S.O. 1980, c. 302

5. Subsection 2 (4), except clause (*k*) thereof, and subsection 4 (6) apply, with necessary modifications, to the powers of the

council of a municipality under the *Municipal Act* for licensing, regulating or governing a business or the persons carrying it on or engaged in it or the place or things used for carrying it on except that where there is a conflict between the provisions of this section and the provisions of the *Municipal Act*, the provisions of that Act prevail to the extent of the conflict. R.S.O. 1980, c. 302

6. A by-law passed or continued in force under the authority of this Act, or so much of such by-law as is still in force, shall upon the expiry of five years from the date of its passing or from the date this Act comes into force, whichever is later, be deemed to have been repealed. When by-laws deemed repealed

7. For the purpose of any prosecution or proceeding under a by-law passed under this Act or the *Municipal Act* for licensing, regulating, governing, classifying or inspecting any trade, calling, business or occupation, a statement as to the licensing or non-licensing of any premises or person in respect of any trade, calling, business or occupation, purporting to be signed by the clerk of a municipality or of a regional or metropolitan municipality or by the chief administrative officer of a licensing commission, is, without proof of the office or signature of the said clerk or officer, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in such prosecution or proceeding. Statement of clerk, etc., as to licensing or non-licensing

8.—(1) A by-law mentioned in subsection 4 (1) or (2) may provide that every person who contravenes the by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine not exceeding $10,000 or to imprisonment for a term not exceeding one year, or to both. Offence

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed on the corporation is $25,000 and not as provided therein. Corporation, maximum penalty

9. Sections 110 and 111 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed. R.S.O. 1980, c. 302, ss. 110, 111, repealed

10. Paragraphs 26 and 61 of section 208 of the said Act are repealed. R.S.O. 1980, c. 302, s. 208, pars. 26, 61, repealed

11. Paragraphs 7, 16, 133, 149, 151, 152, 153, 155, 156, 157, 158, 159, 160 and 161 of section 210 of the said Act are repealed. R.S.O. 1980, c. 302, s. 210, pars. 7, 16, 133, 149, 151-153, 155-161, repealed

12. Sections 221, 222, 223 and 224 of the said Act are repealed. R.S.O. 1980, c. 302 ss. 221-224, repealed

13. Paragraph 7 of section 225 of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 302, s. 225, par. 7, re-enacted

Regulating traffic

7. For the exercise of the powers conferred upon the councils of local municipalities by paragraph 117 of section 210 in respect of highways under the jurisdiction of the council.

R.S.O. 1980, c. 302, ss. 227, 228, 231, repealed; s. 230, re-enacted

14. Sections 227, 228, 230 and 231 of the said Act are repealed and the following substituted therefor:

Prohibiting sale of refreshments on public streets, etc.

230. By-laws may be passed by the councils of local municipalities for prohibiting the sale of refreshments or confections, including, without limiting the generality of the foregoing, fruit, candy, peanuts, popcorn, ice cream, ice cream cones, iced milk and other iced confectionery from a basket or wagon, cart or other vehicle upon any highway or part of it or in any public park or other public place, but no by-law passed under this paragraph applies to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof.

R.S.O. 1980, c. 302, s. 232, re-enacted

15.—(1) Section 232 of the said Act, exclusive of the paragraphs, is repealed and the following substituted therefor:

232. By-laws may be passed by the councils of local municipalities.

R.S.O. 1980, c. 302, s. 232, pars. 1-6, repealed, par. 7, re-enacted

(2) Paragraphs 1, 2, 3, 4, 5, 6 and 7 of section 232 of the said Act are repealed and the following substituted therefor:

Exhibitions of wax works, shows, etc.

7. For prohibiting or regulating and licensing exhibitions of wax works, menageries, circus-riding, and other like shows usually exhibited by showmen, and for regulating and licensing merry-go-rounds, switchback railways, carousels, and other like contrivances, and for fixing a fee to be paid for the licence, and for imposing penalties not exceeding the amount of the licence fee on offenders against the by-law, and for levying the same by distress and sale of the goods and chattels of the showman or proprietor, or belonging to or used in such exhibition or show whether owned or not owned by such showman or proprietor.

(*a*) A licence shall not be granted for any such exhibition or show to be held on the days of the exhibition of any district or township agricultural society, within 275 metres from the grounds of the society, or for any such exhibition or show in or in connection with which gambling is carried on or goods, wares or merchandise are sold or trafficked in.

(*b*) The fee to be paid for the licence shall not exceed $500.

R.S.O. 1980, c. 302, s. 232, pars. 8, 9, 10, 11, 12, 13 and 18, repealed

(3) Paragraphs 8, 9, 10, 11, 12, 13 and 18 of section 232 of the said Act are repealed.

16. Subsection 233 (2) of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 302, s. 233 (2), re-enacted

(2) By-laws may be passed by the councils of local municipalities for licensing and regulating special sales of goods and persons conducting such sales and for inspecting such goods and for fixing such fees for the licences as the council considers advisable. Licensing and regulating special sales

17. Section 234 of the said Act is repealed and the following substituted therefor: R.S.O. 1980, c. 302, s. 234, re-enacted

234. By-laws may be passed by the councils of local municipalities for regulating or prohibiting the playing of bands and of musical instruments on any highway or in any park or public place. Bands of music

18. Sections 322, 328 and 329 of the said Act are repealed. R.S.O. 1980, c. 302, ss. 322, 328, 329, repealed

19. Clauses 347 (1), (*i*), (*j*) and (*k*) and subsection 347 (2) of the said Act are repealed. R.S.O. 1980, c. 302, s. 347 (1), (*i*), (*j*), (*k*), (2), repealed

20. Subsection 502 (1) of the said Act is repealed. R.S.O. 1980, c. 302, s. 502 (1), repealed

21. The following are repealed: Repeals

1. The *Bread Sales Act*, being chapter 48 of the Revised Statutes of Ontario, 1980.

2. The *Public Halls Act*, being chapter 408 of the Revised Statutes of Ontario, 1980.

3. Subsections 21 (1), (2), (3), (5) and (6) of the *Milk Act*, being chapter 266 of the Revised Statutes of Ontario, 1980.

22. This Act comes into force on the 1st day of January, 1983. Commencement

23. The short title of this Act is the *Municipal Licensing Act, 1981*. Short title

An Act to provide
for the Licensing of Businesses
by Municipalities

1st Reading

October 29th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

1981

BILL 158 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to revise the Municipal Conflict of Interest Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

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Explanatory Notes

The Bill re-enacts and revises the *Municipal Conflict of Interest Act*, a code governing the entire field relating to conflicts of interest as they may arise in relation to members of municipal councils and local boards. The purpose of the Bill is to provide a clearer and more practical code than exists in the present Act while retaining the same basic purpose and procedure.

Among the principal features of the Bill are the following:

1. An expanded and improved interpretation section, specially with regard to the definitions of "local board", "municipality" and "spouse". (s. 1)

2. The relatives whose interests are deemed to be those of the member, have been clarified. (s. 3)

3. The exemptions to the application of the Act have been compiled and listed, and additional exemptions added, including "remote and insignificant" conflicts. (s. 4)

4. The duty of the member to declare his conflict of interest has been expanded so that the member, in addition, must declare the nature of the interest and where the meeting is not open to the public, must leave the meeting. (s. 5)

5. The declaration of interest is to be recorded in the minutes by the clerk of secretary. (s. 6)

6. The municipality when it applies to a judge for an order exempting it for the application of the Act, may do so on an *ex parte* basis. (s. 7 (2))

7. The time for bringing an application alleging contravention has been lengthened from expiration of the term of office to six years, following the event. (s. 9 (3))

8. Where a member has been found to contravene the Act, in addition to the existing sanctions, the judge may require the member to make restitution. (s. 10 (1))

9. The jurisdiction of the Divisional Court on an appeal has been expanded, to include an order for a new trial.

10. Proceedings to disqualify a member, declare a seat vacant or request restitution may only be made under provisions of the Act. (s. 13)

11. A municipality or local board may pay the legal costs of a member where the member has been found not to be in contravention of the Act. (s. 14)

12. Complementary amendments to other Acts where there is a conflict with a provision of the Bill or a redundancy. (ss. 16, 17, 18, 19, 20, 21)

13. Where proceedings were commenced, or circumstances giving rise to proceedings arose, during the currency of the existing Act, the proceedings shall be continued or commenced under the existing Act. (s. 23)

As with the existing Act, full disclosure and abstention from discussion and voting, rather than automatic disqualification, will be the basis for dealing with conflicts of interest.

The failure of a member of council or of a local board to disclose a pecuniary interest, whether direct or indirect, in any matter that comes before a meeting of the council or local board, including a committee or other meeting, will render the member liable, on the application of an elector to a county or district court judge, to having his seat declared vacant and being disqualified from being a member of any council or local board for a period of up to seven years and to make restitution.

Certain nominal conflict situations are excepted from the disclosure requirement; these generally are of the type where the interest of the member arises out of his relationship to the municipality as a member of the general public.

BILL 158 1981

An Act to revise the Municipal Conflict of Interest Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

(*b*) "controlling interest" means the interest that a person has in a corporation when he beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding;

(*c*) "council" means the council of a municipality other than an improvement district and means the board of trustees of a municipality that is an improvement district;

(*d*) "elector" means,

(i) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(ii) in respect of a school board, a person entitled to vote at the election of members of the school board;

(*e*) "interest in common with electors generally" means a pecuniary interest in common with the electors within

the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part;

(*f*) "judge" means a judge of the county or district court of the county or district in which the municipality or the administrative or head office of the local board is situate, or if, through illness or absence there is no judge of that court able to act, a judge of the county or district court of a county or district that adjoins the county or district in which the municipality or the administrative or head office of the local board is situate;

(*g*) "local board" means a school board, board of directors of a children's aid society, committee of adjustment, committee of management of a community recreation centre, conservation authority, court of revision, land division committee, public utilities commission, public library board, board of management of an inter-urban administration area or of an improvement area, board of park management, board of health, board of commissioners of police, planning board, district welfare administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a home for the aged, suburban roads commission or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board, a local services board or a negotiating committee appointed under the *Municipal Boundary Negotiations Act, 1981*, 1981, c. ...;

(*h*) "meeting" includes any regular, committee or other meeting of a council or local board, as the case may be;

(*i*) "member" means a member of a council or of a local board;

(*j*) "municipality" means the corporation of a county, city, town, village, township or improvement district or of a metropolitan, regional or district municipality and a board, commission or other local authority exercising any power in respect of municipal affairs or purposes,

including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board;

(*k*) "parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

(*l*) "school board" means a board of education, public school board, secondary school board, Roman Catholic separate school board or Protestant separate school board and includes a divisional board of education;

(*m*) "senior officer" means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;

(*n*) "spouse" means either of a man or woman who,

(i) are married to each other,

(ii) are married to each other by a marriage that is voidable and has not been voided by a judgment of nullity, or

(iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabited within the preceding year.

Indirect pecuniary interest

2. For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(*a*) he or his nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

(*b*) he is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter.

Interest of certain relatives deemed that of member

3. For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member.

EXCEPTIONS

Where s.5 does not apply

4. Section 5 does not apply to a pecuniary interest in any matter that a member may have,

(*a*) as a user of any public utility service supplied to him by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;

(*b*) by reason of his being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;

(*c*) by reason of his purchasing or owning a debenture of the municipality or local board;

(*d*) by reason of his having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to him in like manner as such a deposit is or may be returnable to all other electors;

R.S.O. 1980, cc. 126, 250

(*e*) by reason of having an interest in any property affected by a work under the *Drainage Act* or under the *Local Improvement Act*;

R.S.O. 1980, c. 31

(*f*) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;

(*g*) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;

(*h*) by reason only of his being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of his being a member of a board, commission, or other body as an appointee of a council or local board;

(*i*) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which he may be entitled by reason of being a member or under a by-law passed pursuant to section 252 of the *Municipal Act,* or as a member of a volunteer fire brigade, as the case may be; R.S.O. 1980, c. 302

(*j*) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or

(*k*) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member.

DUTY OF MEMBER

When present at meeting at which matter considered

5.—(1) Subject to subsection (2), where a member, either on his own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, he,

(*a*) shall, prior to any consideration of the matter at the meeting, disclose his interest and the general nature thereof;

(*b*) shall not take part in the consideration or discussion of, or vote on any question in respect of the matter; and

(*c*) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

Where member to leave meeting

(2) Where a member is present at a meeting that is not open to the public at which a matter, in which he has a direct or indirect pecuniary interest, is the subject of consideration he shall, prior to any consideration of the matter at the meeting, disclose his interest as required by subsection (1) and shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of his absence from the meeting referred to therein, the member shall disclose his interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by him after the meeting referred to in subsection (1).

RECORD OF DISCLOSURE

Disclosure to be recorded in minutes

6. Every declaration of interest and the general nature thereof made under section 5 shall be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be.

REMEDY FOR LACK OF QUORUM

Quorum deemed constituted

7.—(1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, notwithstanding any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

Application to judge

(2) Where in the circumstances mentioned in subsection (1) the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge on an *ex parte* basis for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises.

Power of judge to declare s. 5 not to apply

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order.

ACTION WHERE CONTRAVENTION ALLEGED

Who may try alleged contravention of s. 5 (1-3)

8. The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge.

Who may apply to judge

9.—(1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his knowledge that a member may

have contravened subsection 5 (1), (2) or (3), apply to the judge by way of originating notice of motion in the manner prescribed by the rules of court for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3).

Contents of notice of motion

(2) The elector in his notice of motion shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3).

Time for bringing application limited

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occured.

Power of judge to declare seat vacant, disqualify member and require restitution

10.—(1) Subject to subsection (2), where the judge determines that a member or a former member while he was a member has contravened subsection 5 (1), (2) or (3), he,

(*a*) shall, in the case of a member, declare the seat of the member vacant; and

(*b*) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and

(*c*) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution.

Saving by reason of inadvertence or *bona fide* error

(2) Where the judge determines that a member or a former member while he was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of a *bona fide* error in judgment, the member is not subject to having his seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1).

Member not to be suspended

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member.

Appeal to Divisional Court

11.—(1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court.

Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal.

Appeal from order or new trial

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section.

Proceedings not invalidated but voidable

12. The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3).

Procedure substituted for *quo warranto* proceedings

13. Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under the provisions of this Act.

GENERAL

Liability insurance, payment of damages, etc. R.S.O. 1980, c. 302

14.—(1) Notwithstanding section 248 of the *Municipal Act*, the council of every municipality may pass by-laws for contracting for insurance to protect a member of the council or of any local board thereof, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses where the member has not been found to contravene section 5.

Local boards

(2) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members.

Former members

(3) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member.

Conflict with other Acts

15. In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails.

R.S.O. 1980, c. 302, s. 56, re-enacted

16.—(1) Section 56 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

56. Subject to the *Municipal Conflict of Interest Act, 1981*, Quorum 1981, c....

(*a*) a majority of the whole number of members required to constitute a council is necessary to form a quorum; and

(*b*) where a council consists of only five members, the concurrent votes of at least three of them are necessary to carry any resolution or other measure.

(2) Sections 63 and 64 of the said Act are repealed. R.S.O. 1980, c. 302, ss. 63, 64, repealed

(3) Subsection 248 (1) of the said Act, is amended by inserting after "proceeding" in the eighth line "except a proceeding brought under the *Municipal Conflict of Interest Act, 1981*". R.S.O. 1980, c. 302, s. 248 (1), amended

17. Subsection 15 (2) of the *Child Welfare Act*, being chapter 66 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: R.S.O. 1980, c. 66. s. 15 (2), re-enacted

(2) A society shall be deemed to be a local board of each municipality in which it has jurisdiction for the purposes of the *Ontario Municipal Employees Retirement System Act* and the *Municipal Conflict of Interest Act, 1981* and not for any other purpose. When society a local board R.S.O. 1980, c. 348 1981, c. ...

18. Subsection 3 (6) of the *Shoreline Property Assistance Act*, being chapter 471 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 471, s. 3 (6), repealed

19. Subsection 65 (10) of the *Public Transportation and Highway Improvement Act*, being chapter 421 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 421, s. 65 (10), repealed

20. Section 37 of the *Conservation Authorities Act*, being chapter 85 of the Revises Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 85, s. 37, repealed

21. Subsection 3 (2) of the *Tile Drainage Act*, being chapter 500 of the Revised Statutes of Ontario, 1980, is repealed. R.S.O. 1980, c. 500, s. 3 (2), repealed

22. The *Municipal Conflict of Interest Act* is repealed. Repeal of R.S.O. 1980, c. 305

23. Notwithstanding section 22, where, before the coming into force of this Act, proceedings are commenced under the *Municipal Conflict of Interest Act* or circumstances arise that give grounds for the commencement of proceedings under that Act, then the proceedings shall be continued or commenced and taken, as the case may be, under the *Municipal Conflict of Interest Act*, and not under this Act. Where proceedings to be under R.S.O. 1980, c. 305

Commencement

24. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

25. The short title of this Act is the *Municipal Conflict of Interest Act, 1981*.



An Act to revise the Municipal
Conflict of Interest Act

1st Reading

October 29th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

1981

BILL 159 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to revise the Planning Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
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Explanatory Notes

The Bill is a revision of the *Planning Act.*

Many of the provisions of that Act, as they now exist, have been carried forward in the Bill, but within a re-organized format. The principal changes include:

1. Provincial interests in municipal planning are broadly identified to form a framework for local decision-making.

2. Provision is made for the Province to issue statements of policy, approved by the Lieutenant Governor in Council, on specific matters related to municipal planning.

3. The delegation of the powers of approval of the Minister of Municipal Affairs and Housing will be extended from regional municipalities to counties, cities outside of regional municipalities, separated towns, and other municipalities, provided specific criteria are met.

4. Provincial ministries, boards and agencies must consult and take local planning policies into account in carrying out activities that affect municipalities.

5. In southern Ontario, planning between two or more municipalities becomes a voluntary matter; in northern Ontario the existing provisions for joint planning remain.

6. Planning boards will no longer have a statutory role to plan in southern Ontario and this responsibility will rest directly with municipal councils.

7. Official plans will be focused primarily on physical matters, but attention will have to be paid to social, environmental and economic concerns in developing such plans.

8. Before adopting an official plan or zoning by-law, a municipality will have to hold a public meeting to discuss whether the proposed measures should be adopted.

9. Petitions to the Lieutenant Governor in Council on planning matters will be discontinued; instead the Municipal Board will hear and decide on most planning appeals, but the Minister will be able to define a matter to be of provincial interest in which case the Board holds a hearing and reports back to the Lieutenant Governor in Council who then makes the final decision.

10. If a matter of provincial interest, as set out in an approved policy statement, is at stake, the Minister may request a municipality to amend its official plan.

11. Once an upper-tier official plan has been approved, all lower-tier official plans and zoning by-laws must be brought into conformity with the upper-tier plan.

12. The existing system of controlling the development of land through zoning is retained, while being expanded and clarified to allow municipalities specific zoning controls in different types of by-laws.

13. With some exceptions in northern Ontario, land severances will be granted by regional municipalities, counties and cities outside of regions, with provision for regional municipalities and counties to delegate consents to any local municipality with the Minister's concurrence.

14. The matters to be considered in approving a subdivision plan have been expanded to include the effect of the physical layout on energy conservation measures.

15. Ontario Hydro will be exempt from the provisions of the Act, except for lands and buildings used for executive and administrative purposes and except for undertakings of Ontario Hydro, unless approved or exempted under the *Environmental Assessment Act*.

16. The penalties that can be imposed for the violation of municipal by-laws under the Act have been substantially increased.

17. The different time periods for notice, referral and appeal provided for throughout the Act have been made as consistent as possible.

Provision is made for the dissolution of planning areas and planning boards in southern Ontario and for their continuation in northern Ontario; for the continuation of official plans in effect prior to the coming into force of the new Act, and for the disposition of various matters and proceedings that have been commenced, but not completed, under the existing *Planning Act* prior to the coming into force of the new Act.

The Bill is divided into the following Parts:

		Pages
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BILL 159 1981

An Act to revise the Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "committee of adjustment" means a committee of adjustment constituted under section 44;

(*b*) "land division committee" means a land division committee constituted under section 56;

(*c*) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;

(*d*) "local municipality" means a city, town, village and township;

(*e*) "Minister" means the Minister of Municipal Affairs and Housing;

(*f*) "Municipal Board" means the Ontario Municipal Board;

(*g*) "municipality" means a local municipality, a county and a regional, metropolitan or district municipality;

(*h*) "official plan" means a document approved by the Minister containing objectives and policies established primarily to provide guidance for the physical development of a municipality or a part thereof or an

area that is without municipal organization, while having regard to such social, economic and environmental matters as appear to be relevant;

(*i*) "prescribed" means prescribed by the regulations;

(*j*) "public work" means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a municipality or a local board;

(*k*) "regulations" means regulations made under this Act.

PART I

PROVINCIAL ADMINISTRATION

Responsibility of Minister

2. The Minister, in carrying out his responsibilities under this Act, will have regard to, among other matters, matters of provincial interest such as,

(*a*) the protection of the natural environment, including the agricultural resource base of the Province, and the management of natural resources;

(*b*) the protection of features of significant natural, architectural, historical or archaeological interest;

(*c*) the supply, efficient use and conservation of energy;

(*d*) the provision of major communication, servicing and transportation facilities;

(*e*) the equitable distribution of educational, health and other social facilities;

(*f*) the co-ordination of planning activities of municipalities and other public bodies;

(*g*) the resolution of planning conflicts involving municipalities and other public bodies; and

(*h*) the protection of the financial and economic well-being of the Province and its municipalities.

Policy statements

3.—(1) The Minister may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest, and any other minister of the Crown may, jointly with the Minister, issue such policy statements.

(2) Before issuing a policy statement, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed statement. Minister to confer

(3) Where a policy statement is issued under subsection (1), the Minister shall give notice or cause to be given notice thereof, in such manner as he considers appropriate, to all municipalities and to such other agencies or persons as he considers have an interest in the statement. Notice

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement. Idem

(5) In exercising any authority that affects any planning matter, the council of every municipality, every local board, every minister of the Crown and every ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1). Regard to be had to policy statements

4.—(1) The Minister, on the request of the council of any municipality, may, by order, delegate to the council any of the Minister's authority under this Act, under section 50 of the *Condominium Act,* under subsection 298 (11) and subsection 306 (2) of the *Municipal Act,* under subsection 82 (3) of the *Registry Act* and under section 145 of the *Land Titles Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board. Delegation of Minister's powers: to municipality R.S.O. 1980, cc. 84, 302, 445, 230

(2) The Minister may by order delegate to a planning board of a planning area in a territorial district any of the Minister's authority under this Act and where the Minister has delegated any such authority the planning board has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the planning board shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board. to planning board

(3) A delegation made by the Minister under subsection (1) or (2) may be subject to such conditions as the Minister may by order provide. Conditions

(4) The Minister may by order withdraw any delegation made under subsection (1) or (2) and, without limiting the generality of Withdrawal of delegation of powers

the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation, and immediately following any such withdrawal the council or the planning board, as the case may be, shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation or the planning board that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council or the planning board prior to such withdrawal.

Further delegation of powers

5.—(1) Where the Minister has delegated any authority to a council under section 4, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate any of such authority, other than the authority to approve official plans and amendments thereto, to a committee of council or to an appointed officer identified in the by-law either by name or position occupied and such committee or officer, as the case may be, has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

Conditions

(2) A delegation made by a council under subsection (1) may be subject to such conditions as the council may by by-law provide and as are not in conflict with any conditions provided by order of the Minister under section 4.

Withdrawal of delegation of powers

(3) A council may by by-law withdraw any delegation made under subsection (1), whereupon the provisions of subsection 4 (4) apply with necessary modifications.

Interpretation

6.—(1) In this section, "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government and Ontario Hydro.

Consultation

(2) A ministry, before carrying out or authorizing any undertaking that the ministry considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality.

Grants

7. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants of money to assist in the performing of any duty or function of a planning nature.

PART II

LOCAL PLANNING ADMINISTRATION

Planning advisory committee

8.—(1) The council of a municipality may appoint a planning advisory committee composed of such persons as the council may determine.

Joint committee

(2) The councils of two or more municipalities may appoint a joint planning advisory committee composed of such persons as the councils may by agreement determine.

Remuneration

(3) Persons appointed to a committee under this section may be paid such remuneration and expenses as the council or councils may determine, and where a joint committee is appointed, the councils may by agreement provide for apportioning to their respective municipalities the costs of the payments.

Planning area defined by Minister

9.—(1) The Minister may define and name a planning area consisting of the whole of two or more municipalities that are situate in a territorial district or consisting of the whole of one or more municipalities and territory without municipal organization.

Planning board for planning area

(2) Where a planning area is defined under subsection (1), the Minister shall establish the planning board for the planning area and specify the name of the board and the number of members to be appointed to it by the council of each municipality within the planning area and the number of members, if any, to be appointed by the Minister.

Appointments to board

(3) The council of each municipality shall appoint to the planning board the number of members specified by the Minister under subsection (2), of which members at least one shall be a member of the council of the municipality and, after the initial appointments, the appointments shall be made by each successive council as soon as practicable after the council is organized.

Term of office

(4) The members,

(*a*) appointed by the council of each municipality shall hold office for the term of the council that appointed them; and

(*b*) appointed by the Minister shall hold office for the term specified by the Minister in their appointment,

and until their successors are appointed.

Planning area in unorganized territory

10. The Minister may define and name a planning area consisting of territory without municipal organization and may

establish and name a planning board for the planning area and appoint the members thereof.

Body corporate, quorum

11.—(1) A planning board is a body corporate and a majority of its members constitutes a quorum.

Chairman

(2) A planning board shall annually elect a chairman and a vice-chairman who shall preside in the absence of the chairman.

Secretary-treasurer, employees, consultants

(3) A planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is considered appropriate.

Execution of documents

(4) The execution of documents by a planning board shall be evidenced by the signatures of the chairman or the vice-chairman and of the secretary-treasurer, and the corporate seal of the board.

Estimates: one municipality

12.—(1) A planning board established by the Minister for a planning area consisting of one municipality and territory without municipal organization shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the planning board out of the moneys appropriated for the planning board such amounts as may be requisitioned from time to time.

two or more municipalities

(2) In the case of a planning board established for a planning area consisting of two or more municipalities or consisting of two or more municipalities and territory without municipal organization, the planning board shall annually submit its estimates to the council of each of such municipalities together with a statement as to the proportion thereof to be chargeable to each municipality.

When estimates binding

(3) If the estimates submitted under subsection (2) are approved, or are amended and approved, by the councils of municipalities representing more than one-half of the population of the planning area for which the board was established, the estimates are binding on all the municipalities.

Notification

(4) After the estimates have been approved as provided in subsection (3), the planning board shall so notify each municipality involved and shall notify each such municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection (2).

Where apportionment not satisfactory

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the

notice under subsection (4), notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Board.

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision is final. Power of O.M.B.

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection (4) or by the Municipal Board under subsection (6), as the case may be. Payment

13. Any municipality within a planning area may make grants of money to the planning board of the planning area. Municipal grants

14.—(1) A planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the board, Duties of planning board: advice and assistance

(*a*) by the councils to which the board submits its estimates under section 12, or by any of such councils; or

(*b*) by the Minister, in the case of a planning board appointed for a planning area consisting solely or partially of territory without municipal organization.

(2) A planning board shall prepare a plan suitable for adoption as the official plan of the planning area, or at the request of any of the councils mentioned in subsection (1), prepare a plan suitable for adoption as the official plan of the municipality of which it is the council. preparation of official plan

15. The council of a county or of a regional, metropolitan or district municipality, on such terms and conditions as may be agreed upon with the council of a local municipality that for municipal purposes forms part of the county or that forms part of the regional, metropolitan or district municipality, as the case may be, may, Upper-tier municipalities; planning functions

(*a*) assume any authority, responsibility, duty or function of a planning nature that the local municipality has under this or any other Act; or

(*b*) provide advice and assistance to the local municipality in respect of planning matters generally.

PART III

OFFICIAL PLANS

16. In addition to the objectives and policies referred to in clause 1 (*h*), an official plan may contain a description of, Contents of official plan

(*a*) the measures and procedures proposed to attain the objectives of the plan;

(*b*) the measures for informing and securing the views of the public in respect of proposed objectives and policies for the plan; and

(*c*) the measures for reviewing the official plan from time to time.

Preparation of official plan by municipality

17.—(1) The council of a municipality may provide for the preparation of a plan suitable for adoption as the official plan of the municipality.

Notice

(2) The council, before adopting a plan that has been prepared,

(*a*) shall, in the manner and to the persons and containing the information prescribed, give notice of the time when and the place where council will hold a meeting to consider the adoption of the plan which meeting shall be held not sooner than thirty days after the requirements for the giving of the notice have been complied with; and

(*b*) shall, in the manner and to the agencies and containing the information prescribed, give notice that council is considering the adoption of the plan.

Open meeting

(3) The meeting mentioned in clause (2) (*a*) shall be open to the public and the council shall afford any person who attends the meeting an opportunity to be heard in respect of the adoption of the proposed plan.

Comments by agency

(4) An agency may, within thirty days of the giving of the notice mentioned in clause (2) (*b*), or within such further period of time as the council may subsequently allow, submit comments to the council on the adoption of the proposed plan.

Adoption of plan

(5) After the meeting mentioned in clause (2) (*a*) has been held and after the time for submitting comments under subsection (4) has elapsed, the council when it is satisfied that the plan as finally prepared is suitable for adoption may by by-law adopt the plan and submit it to the Minister for approval.

Record

(6) When the plan is adopted, the clerk of the municipality shall compile and forward to the Minister a record which shall include,

(*a*) a certified copy of the by-law adopting the plan;

(*b*) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsections (2) and (7) have been complied with;

(*c*) the original or a true copy of all written submissions and material in support of the submissions received prior to the adoption of the plan and of all comments received from agencies under subsection (4); and

(*d*) such other information or material as the Minister may require.

Notice

(7) Where the council adopts the plan, the clerk of the municipality shall, not later than ten days after the day the plan was adopted, give written notice of the adoption of the plan to the Minister, to every person who filed with the clerk at the meeting mentioned in clause (2) (*a*) or at any time prior thereto, a written request to be notified if the plan is adopted and to every agency that submitted comments under subsection (4) and that in writing requested to be notified if the plan is adopted.

Approval, refusal to approve or modification of plan by Minister

(8) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the plan and, subject to subsection (10), may then approve, or, after consultation with the council, refuse to approve the plan or, if modifications appear desirable to the Minister, he may, after consultation with the council, make the modifications to the plan and approve the plan as modified.

Approval of plan in part

(9) The Minister, instead of approving the whole of the plan, may approve part only of the plan and may, from time to time, approve additional parts of the plan, provided that nothing herein derogates from the right of any person to request the Minister to refer any part of the plan to the Municipal Board under subsection (10).

Referral of plan or part thereof to O.M.B.

(10) The Minister may refer the plan or any part of the plan to the Municipal Board and where the council or any person or agency requests the Minister, within thirty days from the date the plan was adopted, to refer the plan or any part of the plan to the Municipal Board, the Minister shall refer the plan or such part to the Board, together with the statement mentioned in subsection (11) unless, in his opinion, referral to the Board would serve no useful purpose or unless, in his opinion, the request is made only for the purpose of delay.

Reasons

(11) Where a person submits a request to the Minister under subsection (10) he shall include therewith a statement in writing setting out the reasons for the request.

Parties

(12) The parties to a referral are the person or agency, if any, that requested the referral, the municipality and any person or agency added as a party by the Municipal Board.

Adding of parties

(13) The Municipal Board may add as a party to the referral any person, including the Minister or agency who applies to the Board to be added as a party.

Representations by person not a party

(14) Despite the fact that a person is not a party to the referral, the Municipal Board may permit the person to make representations at the hearing.

Notice

(15) On a referral to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the referral, and to such other persons as the Board considers appropriate.

Establishment of issues by O.M.B.

(16) The Municipal Board may, on the basis of the statement mentioned in subsection (11), the record mentioned in subsection (6) and such other matters as the Board considers proper to take into account, establish the issues that are in dispute in a referral and where the Board does so a party to the referral may not, except with the leave of the Board, introduce at the hearing any evidence or present any argument that is not relevant to the issues in dispute as established by the Board.

Decision

(17) The Municipal Board may make any decision that the Minister could have made.

Where provincial interest adversely affected

(18) Where the plan or any part of the plan is referred to the Municipal Board under subsection (10), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the part thereof, may so advise the Board in writing not later than ten days before the day fixed by the Board for the hearing of the referral and the Minister shall identity the part or parts of the plan or the part or parts of the part of the plan, as the case may be, by which the provincial interest is, or is likely to be, adversely affected.

Procedure by O.M.B.

(19) Where the Municipal Board receives notice from the Minister under subsection (18), the Board shall not proceed under subsection (17) in respect of the part or parts identified in the notice but shall, following the hearing, make a report to the Lieutenant Governor in Council setting out its findings and recommendations in respect of such part or parts and shall send a copy of the report to the Minister, to each party to the referral and to any person who in writing requests a copy of the report.

Disposition by L.G. in C.

(20) After considering the report of the Municipal Board the Lieutenant Governor in Council shall make a final disposition of

the part or parts dealt with in the report and in so doing may direct the Minister to modify the plan or the part of the plan in accordance with such final disposition.

Recommendation of plan

18.—(1) Where a plan is prepared by a planning board, the plan shall not be recommended to any council for adoption as an official plan unless it is approved by a vote of the majority of all the members of the planning board.

Submission of plan to council

(2) When the plan is approved by the planning board, the board shall submit a copy thereof, certified by the secretary-treasurer of the board to be a true copy,

(*a*) in the case of a plan prepared for a planning area, to the council of each municipality that is within the planning area; and

(*b*) in the case of a plan prepared at the request of a single municipality, to the council of that municipality,

together with a recommendation that it be adopted by the council.

Adoption of plan

(3) Each council to which the plan is submitted may, subject to subsections 17 (2) to (5), by by-law adopt the plan and the clerk of each municipality, the council of which adopted the plan, shall provide the secretary-treasurer of the planning board with a certified copy of the adopting by-law and shall comply with subsections 17 (6) and (7).

Submission of plan to Minister

(4) When the secretary-treasurer of the planning board has received a certified copy of an adopting by-law from a majority of the councils to which the plan was submitted he shall submit the plan to the Minister for approval together with each certified copy of the adopting by-law, and thereafter subsections 17 (8) to (20) apply.

Application of s. 17 (3-20)

(5) Where a planning area consists of the whole of one or more municipalities and territory without municipal organization the provisions of subsections 17 (3) to (20) apply, with necessary modifications, in respect of the part of the planning area that consists of territory without municipal organization as though the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality.

Adoption of plan in unorganized territory

19. Before adopting a plan for a planning area consisting solely of territory without municipal organization, the planning board,

(*a*) shall, in the manner and to the persons and containing the information prescribed, give notice of the time when and the place where the board will hold a meeting to consider the adoption of the plan which meeting shall be held not sooner than thirty days after the requirements for the giving of the notice have been complied with; and

(*b*) shall, in the manner and to the agencies and containing the information prescribed, give notice that the board is considering the adoption of the plan,

and thereafter subsections 17 (3) to (20) apply, with necessary modifications, as though the planning board were the council of a municipality and the secretary-treasurer were the clerk of the municipality.

Lodging of plan

20.—(1) Two certified copies of the official plan shall be lodged in the office of the Minister and one certified copy in the office of the clerk of each municipality specified by the Minister and a duplicate original of the official plan shall be lodged in every land registry office of lands to which the plan applies.

Who to lodge plan

(2) The lodging required by subsection (1) shall be carried out,

(*a*) in the case of an official plan that applies to only one municipality or part thereof or to only one municipality and territory without municipal organization, by the clerk of the municipality; and

(*b*) in the case of an official plan that applies to more than one municipality or parts thereof, by the clerk of the municipality that has the largest population.

Public inspection

(3) All copies and duplicate originals lodged under subsection (1) shall be available for public inspection during office hours.

Amendment or repeal of plan

21.—(1) Except as hereinafter provided, the provisions of this Act with respect to an official plan apply, with necessary modifications, to amendments thereto or the repeal thereof, provided that the council of a municipality that is within a planning area may initiate an amendment to or the repeal of any official plan that applies to the municipality, and the provisions of section 17 apply to any such amendment or repeal.

Waiver of requirement for approval

(2) Where the Minister is satisfied that there is not a matter of provincial interest adversely affected by an amendment to an official plan submitted to him for approval and no request for referral has been received under subsection 17 (10) he may, in writing, waive the requirement for approval thereof, whereupon the amendment shall be deemed to be approved.

22.—(1) Where any person requests a council to initiate an amendment to an official plan, other than an official plan that applies in whole or in part to territory without municipal organization, and the council refuses to adopt the amendment or fails to adopt it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board. Referral of proposed amendment to plan to O.M.B.

(2) Where any person requests a planning board to initiate an amendment to an official plan that applies in whole or in part to territory without municipal organization and the planning board refuses to adopt the amendment or to recommend the amendment for adoption, as the case may be, or fails to adopt or recommend it within thirty days from the receipt of the request, such person may request the Minister to refer the proposed amendment to the Municipal Board. Idem

(3) The Minister may confer on the proposed amendment in like manner as he is authorized to confer under subsection 17 (8) and he may refuse the request to refer the proposed amendment to the Municipal Board or may refer the proposed amendment to the Board. Powers of Minister to confer, etc.

(4) The provisions of subsections 17 (12) to (16) apply with necessary modifications when a proposed amendment is referred to the Municipal Board under subsection (3) and the Board shall hold a hearing and thereafter reject the proposed amendment or direct that the council cause the amendment to be made in the manner provided in the order of the Board. Application of s. 17 (12-16)

(5) Where a proposed amendment is referred to the Municipal Board under subsection (3), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the proposed amendment, may so advise the Municipal Board in writing not later than ten days before the day fixed by the Board for the hearing of the referral and the Minister shall identify the part or parts of the proposed amendment by which the provincial interest is, or is likely to be, adversely affected. Where provincial interest adversely affected

(6) Where the Municipal Board receives notice from the Minister under subsection (5), the Board shall not proceed under subsection (4) in respect of the part or parts identified in the notice but shall, following the hearing, make a report to the Lieutenant Governor in Council setting out its findings and recommendations in respect of such part or parts and shall send a copy of the report to the Minister, to each party to the referral and to any person who in writing requests a copy of the report. Procedure by O.M.B.

(7) After considering the report of the Board the Lieutenant Governor in Council shall make a final disposition of the part or Disposition by L.G. in C.

parts dealt with in the report and in so doing may direct the Minister to modify the plan or the part of the plan in accordance with such final disposition.

Request by Minister to amend plan

23.—(1) Where the Minister is of the opinion that a matter of provincial interest as set out in a policy statement issued under section 3 is, or is likely to be, adversely affected by an official plan, the Minister may request the council of a municipality to adopt such amendment as the Minister specifies to an official plan and, where the council refuses the request or fails to adopt the amendment within such time as is specified by the Minister in his request, the Minister may make the amendment.

Hearing by O.M.B.

(2) Where the Minister proposes to make an amendment to an official plan under subsection (1), the Minister may, and on the request of any person or municipality shall, request the Municipal Board to hold a hearing on the proposed amendment and the Board shall thereupon hold a hearing as to whether the amendment should be made.

Refusal to refer to O.M.B.

(3) Despite subsection (2), where the Minister is of the opinion that a hearing by the Municipal Board would serve no useful purpose or that the request is made only for the purpose of delay, he may refuse the request.

Notice

(4) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (2), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board.

Report to Minister

(5) At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Board's findings and recommendations in respect of the proposed amendment and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter and to any person who in writing requests a copy of the report.

Amendment by Minister

(6) After considering the report of the Municipal Board, the Minister may make such amendment, if any, as he considers appropriate.

Public works and by-laws to conform with plan

24.—(1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith.

Validity of by-laws conforming with amendments to plans

(2) Where a council has adopted an amendment to an official plan, it may, before the Minister has approved the amendment,

pass a by-law that does not conform with the official plan but will conform therewith if the amendment is approved, and the by-law shall be conclusively deemed to have conformed with the official plan on and from the day it was passed if the Minister approves the amendment to the official plan.

Preliminary steps that may be taken where proposed public work would not conform with official plan

(3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan.

When zoning by-law deemed to conform with official plan

(4) Where a by-law is passed under section 34 by the council of a municipality in which an official plan is in effect and, within the time limited for appeal,

(*a*) no appeal is taken; or

(*b*) an appeal is taken and the appeal is dismissed or the by-law is amended as directed on the appeal,

the by-law shall be conclusively deemed to be in conformity with the official plan, except that where the by-law is passed in the circumstances mentioned in subsection (2) the by-law shall be conclusively deemed to be in conformity with the official plan on and from the day the by-law was passed, if the Minister approves the amendment to the official plan as mentioned in subsection (2).

Acquisition of lands in accordance with provisions of plan

25.—(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister after the 28th day of June, 1974, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required.

Contribution towards cost

(2) Any municipality may contribute towards the cost of acquiring land under this section.

Review of plan

26.—(1) The council of every municipality that has adopted and had approved an official plan shall from time to time, and not less frequently than every five years, hold a special meeting of council, open to the public, for the purpose of determining the need for a review of the official plan.

Direction by Minister

(2) Despite subsection (1), the Minister may, at any time, direct the council of a municipality to undertake a review of any official plan or part thereof in effect in the municipality and when so directed the municipal council shall cause the review to be undertaken without undue delay.

Amendments to conform with upper-tier plans

27.—(1) When the Minister has approved an official plan adopted by a county or by a regional, metropolitan or district municipality,

(*a*) every official plan; and

(*b*) every zoning by-law passed under section 34 of this Act or a predecessor thereof,

that is then in effect in the area affected by the county, regional, metropolitan or district plan shall be amended to conform therewith.

Amendment by upper-tier municipality

(2) Where an official plan is approved as mentioned in subsection (1) and any official plan or zoning by-law is not amended as required by that subsection within one year of the approval of the plan, the council of the county or of the regional, metropolitan or district municipality may thereupon amend the official plan or zoning by-law, as the case may be, in like manner and subject to the same requirements and procedures as if such council was the council that failed to make the amendment within the one year period as herein required.

Deemed to be by-law of lower-tier municipality

(3) Where an amending by-law is passed under subsection (2) by the council of a county or the council of a regional, metropolitan or district municipality, the amending by-law shall be deemed for all purposes to be a by-law passed by the council of the municipality that passed the by-law that was amended.

PART IV

COMMUNITY IMPROVEMENT

Interpretation

28.—(1) In this section,

(*a*) "community improvement" means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, reconstruction and rehabilitation, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;

(*b*) "community improvement plan" means a plan approved by the Minister under section 17 as part of an official plan, for the community improvement of a community improvement project area;

(*c*) "community improvement project area" means an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other reason.

Designation of community improvement project area

(2) Where there is an official plan in effect in a local municipality that contains provisions outlining a strategy for community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area.

Acquisition and clearance of land

(3) When a by-law has been passed under subsection (2), the municipality may,

(*a*) acquire land within the community improvement project area with the approval of the Minister if the land is acquired before the community improvement plan mentioned in subsection (4) is approved and without the approval of the Minister if the land is acquired after the community improvement plan is approved;

(*b*) hold land acquired before or after the passing of the by-law within the community improvement project area; and

(*c*) clear, grade or otherwise prepare the land for community improvement.

Preparation of community improvement plan

(4) When a by-law has been passed under subsection (2), the council may provide for the preparation of a plan, as part of an official plan, suitable for adoption as a community improvement plan for the community improvement project area.

Deemed community improvement plan

(5) The Minister may, in writing, deem the provisions outlining a strategy for community improvement mentioned in subsection (2) to be a community improvement plan for the purposes of this section.

Powers of council re land

(6) For the purpose of carrying out the community improvement plan, the municipality may,

(*a*) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improve-

ment project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto;

(*b*) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.

Grants or loans

(7) For the purpose of carrying out the community improvement plan, the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan.

Application of s. 32 (2, 3)

(8) The provisions of subsections 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section.

Conditions of sale, etc.

(9) Until a by-law or amending by-law passed under section 34 after the adoption of the community improvement plan is in force in the community improvement project area, no land acquired, and no building constructed, by the municipality in the community improvement project area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of enters into a written agreement with the municipality that he will keep and maintain the land and building and the use thereof in conformity with the community improvement plan until such a by-law or amending by-law is in force, but the municipality may, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the community improvement plan, for a term of not more than three years at any one time.

Registration of agreement

R.S.O. 1980, cc. 445, 230

(10) An agreement entered into under subsection (9) may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the *Registry Act* and the *Land Titles Act,* against any and all subsequent owners or tenants of the land.

Debentures R.S.O. 1980, c. 302

(11) Despite subsection 143 (1) of the *Municipal Act,* debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides.

Dissolution of area

(12) When the council is satisfied that the community improvement plan has been carried out, the council may, by by-law, dissolve the community improvement project area.

Agreement re special studies

29. A municipality, with the approval of the Minister, may enter into any agreement for the carrying out of studies and the preparation and implementation of plans and programs for the development or improvement of the municipality.

Agreements for grants in aid of community improvement

30. The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter into agreement providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the community improvement of a community improvement project area as defined in section 28, including the carrying out of studies for the purpose of selecting areas for community improvement.

Interpretation

31.—(1) In this section,

(*a*) "committee" means a property standards committee established under this section;

(*b*) "occupant" means any person or persons over the age of eighteen years in possession of the property;

(*c*) "officer" means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;

(*d*) "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

(*e*) "property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;

(*f*) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform with the standards established in a by-law passed under this section.

Adoption of policy statement

(2) Where there is no official plan in effect in a local municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement containing provisions relating to property conditions.

Standards for maintenance and occupancy

(3) If,

(*a*) an official plan that includes provisions relating to property conditions is in effect in a local municipality; or

(*b*) the council of a local municipality has adopted a policy statement as mentioned in subsection (2),

the council of the municipality may pass a by-law,

(*c*) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;

(*d*) for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

(*e*) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.

Inspection

(4) Subject to subsection (5), when a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.

Entry into dwelling place

R.S.O. 1980, c. 400

(5) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act*, an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

Notice of violation

(6) If, after inspection, the officer is satisfied that in some respect the property does not conform with the standards prescribed in the by-law, he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to, the owner of the property and all persons shown by the records of the land registry office and the sheriff's office to have any interest

therein a notice containing particulars of the nonconformity and may, at the same time, provide all occupants with a copy of such notice.

Contents of order

(7) After affording any person served with a notice provided for by subsection (6) an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing,

(*a*) the municipal address or the legal description of such property;

(*b*) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner; and

(*c*) the final date for giving notice of appeal from the order.

Order to be sent to last known address

(8) A notice or an order under subsection (6) or (7), when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

Substituted service

(9) If the officer is unable to effect service under subsection (6) or (7), he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

Registration of notice

(10) An order under subsection (7) may be registered in the proper land registry office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under subsection (7) and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order.

Property standards committee

(11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such persons, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of

the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Chairman, acting chairman, secretary

(12) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member as acting chairman and shall make provision for a secretary for the committee, and any member of the committee may administer oaths.

Remuneration

(13) The members of the committee shall be paid such compensation as the council may provide.

Filing of documents, etc.

R.S.O. 1980, c. 302

(14) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents.

Quorum and procedure

(15) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection (17) shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice.

Appeal to committee

(16) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

Decision on appeal

(17) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.

Appeal to judge

(18) The municipality in which the property is situate or any owner or occupant or person affected by a decision under subsection (17) may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and,

(*a*) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appoint-

ment may direct that it shall be served upon such persons and in such manner as he prescribes;

(*b*) the appointment shall be served in the manner prescribed; and

(*c*) the judge on such appeal has the same powers and functions as the committee.

Effect of decisions

(19) The order, as deemed to have been confirmed under subsection (16), or as confirmed or modified by the committee under subsection (17) or, in the event of an appeal to the judge under subsection (18), as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

Power of corporation to repair or demolish

(20) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,

(*a*) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and

(*b*) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

Certificate of compliance

(21) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection (3), and the council of a municipality may prescribe a fee payable for such a certificate where it is issued at the request of the owner.

Enforcement

(22) An owner who fails to comply with an order that is final and binding under this section is guilty of an offence and on conviction is liable to a fine of not more than $500 for each day that the contravention has continued.

Grants or loans for repairs

32.—(1) When a by-law under section 31 is in force in a municipality, the council of the municipality may pass a by-law for providing for the making of grants or loans to the registered owners or assessed owners of lands in respect of which a notice has been sent under subsection 31 (6) to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the lands, on such terms and conditions as the council may prescribe.

Loans collected as taxes, lien on land

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Registration of certificate

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

Interpretation

33.—(1) In this section,

(*a*) "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

(*b*) "residential property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

Establishment of demolition control area by by-law

(2) When a by-law under section 31 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section.

Council may issue or refuse to issue permit

(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit.

Appeal to O.M.B.

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within thirty days after the receipt by the clerk of the municipality of the application, the applicant

may appeal to the Municipal Board and the Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

Notice of appeal

(5) The person appealing to the Municipal Board under subsection (4) shall, in such manner and to such persons as the Board may direct, give notice of the appeal to the Board.

Application for demolition permit where building permit issued

(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions of demolition permit

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of $20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registration of certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to O.M.B.

(9) Where an applicant for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

Application to council for relief from conditions of demolition permit

(10) Where any person who has obtained a demolition permit under subsection (6) that is subject to conditions under subsection (7) considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection (11) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Powers of council on application

(11) Where an application is made under subsection (10), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Appeal to O.M.B.

(12) Any person who has made application to the council under subsection (10) may appeal from the decision of the council to the Municipal Board within twenty days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection (11) and the decision of the Board shall be final.

Offence

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than $20,000 for each dwelling unit contained in the residential property, the whole or any portion of which residential property has been demolished, or to imprisonment for a term of not more than six months, or to both.

Standards for health and safety remain in force

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control.

Certain proceedings stayed

(15) Subject to subsection (14), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any

by-law under section 31 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Municipal Board has heard the appeal and issued its order thereon.

Application of R.S.O. 1980, c. 51, s. 5

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in section 5 of the *Building Code Act*.

PART V

LAND USE CONTROLS AND RELATED ADMINISTRATION

Zoning by-laws

34.—(1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting erecting, locating or using of buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Marshy lands

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land where, by reason of its steep slopes or its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

Minimum elevation of doors, etc.

5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be

erected or located within the municipality or within any defined area or areas of the municipality.

Loading or parking facilities

6. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway.

Pits and quarries

7. For prohibiting the making or establishment of pits and quarries within the municipality or within any defined area or areas thereof.

Minimum area and density provisions

(2) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law.

Interpretation R.S.O. 1980, c. 302

(3) A trailer as defined in clause (*a*) of paragraph 95 of section 210 of the *Municipal Act* and a mobile home as defined in clause 46 (1) (*a*) of this Act shall be deemed to be a building or structure for the purposes of this section.

Prohibition of use of land, etc., availability of municipal services

(4) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection (1) or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.

Certificates of occupancy

(5) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law.

Use of maps

(6) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition and disposition of non-conforming lands

(7) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land,

building or structure or may exchange any of such land for other land within the municipality.

Excepted lands and buildings

(8) No by-law passed under this section applies,

(*a*) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(*b*) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under section 5 of the *Building Code Act*, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under section 6 of the *Building Code Act*.

R.S.O. 1980, c. 51

By-law may be amended

(9) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

Appeal to O.M.B.

(10) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.

Notice of meeting to consider passing by-law

(11) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (10), the council,

(*a*) shall, in the manner and to the persons and containing the information prescribed, give notice of the time when and the place where council will hold a meeting to consider the passing of a by-law, which meeting shall be held not sooner than thirty days after the requirements for the giving of the notice have been complied with; and

(*b*) shall, in the manner and to the agencies and containing the information prescribed, give notice that council is considering passing a by-law.

Open meeting

(12) The meeting mentioned in clause (11) (*a*) shall be open to the public and the council shall afford any person who attends the meeting an opportunity to be heard in respect of the passing of the by-law.

Agency comments

(13) An agency may, within thirty days of the giving of the notice mentioned in clause (11) (*b*), or within such further period of time as the council may subsequently allow, submit comments to the council in respect of the passing of the by-law.

Record

(14) Where the council passes the by-law, the clerk of the municipality shall compile a record which shall include,

(*a*) a copy of the by-law certified by him;

(*b*) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsections (11) and (15) have been complied with;

(*c*) the original or a true copy of all written submissions and material in support of the submissions received prior to the passing of the by-law and of all comments received from agencies under subsection (13); and

(*d*) where no notice of appeal to the Municipal Board is filed under subsection (16), an affidavit or declaration duly sworn certifying such fact.

Notice of passing of by-law

(15) Where the council passes the by-law, the clerk of the municipality shall, not later than ten days after the day the by-law was passed, give written notice of the passing of the by-law to the Minister, to every person who filed with the clerk at the meeting mentioned in clause (11) (*a*) or at any time prior thereto a written request to be notified if the by-law is passed and to every agency that submitted comments under subsection (13) and that in writing requested to be notified if the by-law is passed.

Appeal to O.M.B.

(16) Any person including the Minister, or agency may, within thirty days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

When by-law deemed to have come into force

(17) When no notice of appeal is filed under subsection (16), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the Minister has approved the amendment to the official plan as mentioned in subsection 24 (2).

Affidavit re no appeal, etc.

(18) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsections (11) and (15) or that no notice of appeal was filed under subsection (16) within the time allowed for appeal shall be conclusive evidence of the facts stated therein.

Forwarding of record, etc., to O.M.B.

(19) The clerk of the municipality, upon receipt of a notice of appeal under subsection (16), shall forward the notice of appeal together with the record mentioned in subsection (14) to the secretary of the Municipal Board and shall provide such other information or material as the Board may require in respect of the appeal.

Parties

(20) The parties to an appeal are the appellant, the municipality and any person or agency added as a party by the Municipal Board.

Adding of parties

(21) The Municipal Board may add as a party to the appeal any person including the Minister, or agency who applies to the Board to be added as a party.

Representations by person not party

(22) Despite the fact that a person is not a party to the appeal, the Municipal Board may permit the person to make representations at the hearing.

Hearing

(23) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to the parties to the appeal, and to such other persons as the Board considers appropriate.

Dismissal of appeal without hearing

(24) Despite subsection (23), the Municipal Board may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a hearing, and where the Board does so it shall give written reasons therefor to the appellant and send a copy to all other parties to the appeal.

Establishment of issues

(25) The Municipal Board may, on the basis of the contents of the notice of appeal, the record that accompanied the notice and such other matters as the Board considers proper to take into account, establish the issues that are in dispute in an appeal and where the Board does so a party to the appeal may not, except with the leave of the Board, introduce at the hearing any evidence or present any argument that is not relevant to the issues in dispute as established by the Board.

Powers of O.M.B.

(26) The Municipal Board may,

(*a*) dismiss the appeal; or

(*b*) allow the appeal in whole or in part and direct the council of the municipality to repeal the by-law or to amend the by-law in accordance with the Board's order.

Application of subss. (11-25)

(27) Subsections (11) to (25) do not apply to a by-law passed pursuant to an order of the Municipal Board made under subsection (10) or (26).

Where provincial interest adversely affected

(28) Where an appeal has been filed under subsection (16), the Minister, if he is of the opinion that a matter of provincial interest is, or is likely to be adversely affected by the by-law, may so advise the Municipal Board in writing not later than ten days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected.

Procedure

(29) Where the Municipal Board receives notice from the Minister under subsection (28), the Board shall not make an order under subsection (26) in respect of the part or parts of the by-law identified in the notice but shall, following the hearing of the appeal, make a report to the Lieutenant Governor in Council setting out its findings and recommendations in respect of such part or parts and shall send a copy of the report to the Minister, to each party to the appeal and to any person who in writing requests a copy of the report.

Disposition by L.G. in C.

(30) After considering the report of the Municipal Board, the Lieutenant Governor in Council shall make a final disposition of the part or parts of the by-law and in doing so may direct the council of the municipality to repeal or amend the by-law and subsections (10) to (25) do not apply to a by-law passed pursuant to any such direction of the Lieutenant Governor in Council.

When by-law deemed to have come into force

(31) Where one or more appeals have been filed under subsection (16), the by-law does not come into force until all of such appeals have been finally disposed of whereupon the by-law, except for such parts thereof as are repealed or amended in accordance with the direction of the Municipal Board or of the Lieutenant Governor in Council as mentioned in subsections (26) and (30), shall be deemed to have come into force on the day it was passed.

Holding provision by-law

35.—(1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding prefix "H" preceding any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding prefix "H" is removed by amendment to the by-law.

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the use of the holding prefix "H" mentioned in subsection (1). Condition

(3) Where an application to the council for an amendment to the by-law to remove the holding prefix "H" is refused or the council refuses or neglects to make a decision thereon within thirty days after receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order. Appeal to O.M.B.

(4) Subsections 34 (10) to (25) do not apply to an amending by-law passed by the council to remove the holding prefix "H", but the council shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of its intention to pass the amending by-law. Application of s. 34 (10-25)

36.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law. Increased density, etc., provision by-law

(2) A by-law may not be passed containing the provisions mentioned in subsection (1) unless the municipality has an official plan that contains provisions relating to the authorization of increases in height and density of development. Condition

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters. Agreements

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. Registration of agreement R.S.O. 1980, cc. 445, 230

37.—(1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or Interim control by-law

structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

Extension of period by-law in effect

(2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law.

Notice of passing of by-law

(3) No notice or hearing is required prior to the passing of a by-law under subsection (1) or (2) but the clerk of the municipality shall, in the manner and to the persons and agencies and containing the information prescribed, give notice of a by-law passed under subsection (1) or (2) within thirty days of the passing thereof.

Appeal to O.M.B.

(4) Any person or agency to whom notice of a by-law was given under subsection (3) may, within sixty days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Record

(5) Where a notice of appeal is filed under subsection (4), the clerk of the municipality shall compile a record which shall consist of a copy of the by-law certified by him and an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (3) have been complied with and thereafter the provisions of subsections 34 (19) to (30) apply with necessary modifications.

When prior zoning by-law again has effect

(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the interim control by-law again come into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law.

Prohibition

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applied.

Application of s. 34 (8)

(8) The provisions of subsection 34 (8) apply with necessary modifications to a by-law passed under subsection (1) or (2).

Temporary use provisions

38.—(1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.

Area and time in effect

(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and prescribe the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law.

Extension

(3) Despite subsection (2), the council may grant further periods of not more than three years each during which the temporary use is authorized.

Non-application of s. 34 (8) (*a*)

(4) Upon the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (8) (*a*) does not apply so as to permit the continued use of the land, buildings or structures for the purpose temporarily authorized.

Agreement exempting owner from requirement to provide parking

39.—(1) Where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining the parking facilities.

Payment of money

(2) An agreement entered into under subsection (1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

Special account

(3) All moneys received by a municipality under an agreement entered into under this section shall be paid into a special account, and the moneys in such special account shall be applied for the same purposes as a reserve fund established under paragraph 55 of section 208 of the *Municipal Act* may be applied, and the moneys in such special account may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor of the municipality in his annual report shall report on the activities and position of the account.

R.S.O. 1980, cc. 302, 512

Registration of agreement

(4) An agreement entered into under this section may be registered in the proper land registry office against the land to which it applies, and when so registered, any moneys payable to the municipality under the agreement that have become due for payment shall be deemed to be taxes due upon the land under

R.S.O. 1980, c. 302

section 369 of the *Municipal Act* and may be collected in the same manner as municipal taxes.

Certificate

(5) When all moneys payable to the municipality under an agreement registered under subsection (4) have been paid, or such agreement has been terminated, the clerk of the municipality shall, at the request of the owner of the land, provide a certificate in a form registerable in the proper land registry office, certifying that the moneys have been paid or that the agreement has been terminated.

Signs

40.—(1) By-laws may be passed by the councils of local municipalities for prohibiting or regulating signs and other advertising devices or any class or classes thereof and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway and any by-law passed under this subsection may provide that a sign or other advertising device that was lawfully erected or displayed on the day the by-law comes into force but that does not comply with the by-law, shall be,

(*a*) made to comply with the by-law; or

(*b*) removed by the owner thereof or by the owner of the land on which it is situate,

within such period of time as is specified in the by-law, which period shall be not less than five years from the day the by-law comes into force.

Temporary signs

(2) A by-law passed under subsection (1) may specify a time period during which signs or other advertising devices in a defined class that are erected or located after the passing of the by-law may stand or be displayed in the municipality and may require the removal of such signs or other advertising devices which continue to stand or be displayed after such time period has expired.

Production of plans

(3) A by-law passed under subsection (1) may require the production of the plans of all signs or other advertising devices to be erected, displayed, altered or repaired and provide for the charging of fees for the inspection and approval of such plans and for the fixing of the amount of such fees and for the issuing of a permit certifying to such approval and may prohibit the erection, display, alteration or repair of any sign or advertising device where a permit has not been obtained therefor and may authorize the refusal of a permit for any sign or other advertising device that if erected or displayed would be contrary to the provisions of any by-law of the municipality.

(4) A change in the message displayed by a sign or other advertising device does not in itself constitute an alteration so as to require a permit. Change in message

(5) A by-law passed under subsection (1) may authorize the pulling down or removal at the expense of the owner of any sign or other advertising device that is erected or displayed in contravention of the by-law and may require any person who, Pulling down, etc., signs illegally erected

(*a*) has caused a sign or other advertising device to be erected, displayed, altered or repaired without first having obtained a permit to do so; or

(*b*) having obtained a permit has caused a sign or other advertising device to be erected, displayed, altered or repaired contrary to the approved plans in respect of which the permit was issued,

to make such sign or other advertising device comply with the by-laws of the municipality if it does not so comply or to remove such sign or other advertising device within such period of time as the by-law specifies.

41.—(1) In this section, "development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in clause (*a*) of paragraph 95 of section 210 of the *Municipal Act* or of sites for the location of three or more mobile homes as defined in clause 46 (1) (*a*) of this Act. Interpretation R.S.O. 1980, c. 302

(2) Where there is an official plan in effect in a local municipality, the council of the municipality may, by by-law, designate the whole or any part of the area covered by the official plan as a site plan control area, but nothing herein authorizes the council to designate an area that is not within the limits of the municipality of which it is the council. Establishment of site plan control area

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34. Designation of site plan control area

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (10), the Municipal Board has approved one or both, as the council may determine, of the following: Approval of plans or drawings

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (*a*).

2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,

   (*a*) the massing and conceptual design of the proposed building;

   (*b*) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and

   (*c*) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

   but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in clause (*c*), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

Drawings for residential buildings

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required.

Proviso

(6) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Conditions to approval of plans

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

(*a*) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Widenings of highways that abut on the land.

2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs. R.S.O. 1980, c. 421

3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.

4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.

5. Facilities for the lighting, including floodlighting, of the land or of any building structures thereon.

6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.

7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.

8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.

9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(*b*) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (*a*), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(*c*) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all

of the facilities, works or matters mentioned in clause (*a*) and the maintenance thereof as mentioned in clause (*b*) or with the provision and approval of the plans and drawings referred to in subsection (4).

Registration of agreements

(8) Any agreement entered into under clause (7) (*c*) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1980, cc. 445, 230

Application of R.S.O. 1980, c. 302, s. 325

(9) Section 325 of the *Municipal Act* applies to any requirements made under clauses (7) (*a*) and (*b*) and to any requirements made under an agreement entered into under clause (7) (*c*).

Appeal to O.M.B.

(10) Where the municipality fails to approve the plans or drawings referred to in subsection (4) within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection (7) or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Classes of development, delegation

(11) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,

(*a*) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and

(*b*) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (*a*).

Proviso

(12) Section 35*a* of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day.

(13) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35*a* (2) of *The Planning Act* as it existed on the 21st day of June, 1979, is hereby declared to be valid and binding. Certain agreements declared valid and binding R.S.O. 1970, c. 349

42.—(1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes. Conveyance of land for park purposes

(2) For the purposes of subsection (3), "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals. Interpretation

(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law. Alternative requirement

(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless the municipality has an official plan that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement. Official plan requirement

(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time. Use and sale of land

(6) The council of a municipality may require the payment of money to the value of the land otherwise required to be conveyed under this section in lieu of such conveyance and for the purpose of determining the amount of the payment the value of the land shall be determined as of the day before the day of the issuance of the building permit in respect of the development or, where more than one building permit is required for the development, as of the day before the day of the issuance of the first permit, and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board Cash payment in lieu of conveyance

to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land.

R.S.O. 1980, c. 148

Application of s. 51 (12)

(7) The provisions of subsection 51 (12) apply with necessary modifications to all moneys received under subsection (5) or (6).

Where account taken of previous conveyances or payments

(8) Where land has been conveyed to a municipality for park or other public purposes or a payment of money in lieu of such conveyance has been received by the municipality pursuant to a condition imposed under this section or under section 51 or section 53 or under a predecessor of any of such sections, the conveyance or payment, as the case may be, shall be included in determining the amount of land or payment of money in lieu thereof that may subsequently be required under this section on the development, further development or redevelopment of the lands or part thereof in respect of which the original conveyance or payment was received.

Application to O.M.B.

(9) In the event of a dispute between a municipality and an owner of land as to the amount of land or payment of money in lieu thereof that may subsequently be required, as mentioned in subsection (8), either party may apply to the Municipal Board and the Board shall make a final determination in the matter.

Application of s. 34 (11-31)

43.—(1) Subsections 34 (11) to (31) do not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

R.S.C. 1970, c. W-8

(*a*) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or

(*b*) does not vary by more than 5 per cent any measurement so expressed.

Effect of amendment that conforms with subs. (1)

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 34 or a predecessor thereof or an order made by the Minister under section 47 or a predecessor thereof does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection (1).

Establishment of committee of adjustment

44.—(1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable.

(2) Where a by-law is passed under subsection (1), a certified copy of the by-law shall be sent to the Minister by registered mail by the clerk of the municipality within thirty days of the passing thereof. Copy of by-law to Minister

(3) The members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually. Term of office

(4) Members of the committee shall hold office until their successors are appointed, and are eligible for reappointment, and, where a member ceases to be a member before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term. Idem

(5) Where a committee is composed of three members, two members constitute a quorum, and where a committee is composed of more than three members, three members constitute a quorum. Quorum

(6) Subject to subsection (5), a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the committee or of the remaining members. Vacancy not to impair powers

(7) The members of the committee shall elect one of themselves as chairman, and, when the chairman is absent through illness or otherwise, the committee may appoint another member to act as acting chairman. Chairman

(8) The committee shall appoint a secretary-treasurer, who may be a member of the committee, and may engage such employees and consultants as is considered expedient, within the limits of the moneys appropriated for the purpose. Secretary-treasurer, employees

(9) The members of the committee shall be paid such compensation as the council may provide. Remuneration

(10) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 78 of the *Municipal Act* applies with necessary modifications to such documents. Filing of documents, etc. R.S.O. 1980, c. 302

(11) In addition to complying with the requirements of this Act, the committee shall comply with such rules of procedure as are prescribed. Rules of procedure

45.—(1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any Powers of committee; general

by-law that is passed under section 34, 37 or 40, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, provided that in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.

special

(2) In addition to its powers under subsection (1), the committee, upon any such application,

(*a*) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, provided that the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, provided that the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

(*b*) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law.

Power of committee to grant minor variances

(3) A council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such

by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered the provisions of subsection (1) apply with necessary modifications.

Time for hearing

(4) The hearing on any application shall be held within thirty days after the application is received by the secretary-treasurer.

Notice of hearing

(5) The committee, before hearing an application, shall in the manner and to the persons and agencies and containing the information prescribed give notice of the application.

Hearing

(6) The hearing of every application shall be held in public, and the committee shall hear the applicant and every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision.

Oaths

(7) The chairman, or in his absence the acting chairman, may administer oaths.

Decision

(8) No decision of the committee on an application is valid unless it is concurred in by the majority of the members of the committee that heard the application, and the decision of the committee, whether granting or refusing an application, shall be in writing and shall set out the reasons for the decision, and shall be signed by the members who concur in the decision.

Conditions in decision

(9) Any authority or permission granted by the committee under subsections (1), (2) and (3) may be for such time and subject to such terms and conditions as the committee considers advisable and as are set out in the decision.

Notice of decision

(10) The secretary-treasurer shall not later than ten days from the making of the decision send by mail one copy of the decision, certified by him,

(*a*) to the Minister, if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;

(*b*) to the applicant; and

(*c*) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

Additional material

(11) Where the secretary-treasurer is required to send a copy of the decision to the Minister under subsection (10), he shall also send to the Minister such other information and material as may be prescribed.

Appeal to O.M.B.

(12) The applicant, the Minister or any other person who has an interest in the matter may within thirty days of the making of the decision appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under the *Ontario Municipal Board Act* as payable on an appeal from a committee of adjustment to the Board.

R.S.O. 1980, c. 347

Idem

(13) The secretary-treasurer of a committee, upon receipt of a notice of appeal served or sent to him under subsection (12) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (12) to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Board.

Where no appeal

(14) If within such thirty days no notice of appeal is given, the decision of the committee is final and binding, and the secretary-treasurer shall notify the applicant and shall file a certified copy of the decision with the clerk of the municipality.

Where appeals withdrawn

(15) Where all appeals to the Municipal Board are withdrawn by the persons who gave notice of appeal, the decision of the committee is final and binding and the secretary of the Board shall notify the secretary-treasurer of the committee who in turn shall notify the applicant and file a certified copy of the decision with the clerk of the municipality.

Hearing

(16) On an appeal to the Municipal Board, the Board shall, except as provided in subsections (15) and (17), hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Board may determine.

Dismissal of appeal by O.M.B.

(17) The Municipal Board may, where it is of the opinion that the objection to the decision set out in the notice of appeal is insufficient, dismiss the appeal without holding a hearing, and where the Board does so it shall give written reasons therefor to the appellant.

(18) The Municipal Board may dismiss the appeal and may make any decision that the committee could have made on the original application. Powers of O.M.B.

(19) When the Municipal Board makes an order on an appeal, the secretary of the Board shall send a copy thereof to the applicant, the appellant and the secretary-treasurer of the committee. Notice of decision

(20) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality. Idem

46.—(1) In this section, Interpretation

(*a*) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;

(*b*) "parcel of land" means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause 50 (3) (*b*) or clause 50 (5) (*a*).

(2) Unless otherwise authorized by a by-law in force under section 34 or an order of the Minister made under clause 47 (1) (*a*), or a permit issued under section 13 of the *Public Lands Act*, no person shall erect or locate or use or cause to be erected, located or used, a mobile home except on a parcel of land as defined in clause (1) (*b*) of this section, and in no case except as otherwise so authorized shall any person erect, locate or use or cause to be erected, located or used more than one mobile home on any such parcel of land. One mobile home per parcel of land R.S.O. 1980, c. 413

(3) This section does not apply to prevent the continued use in the same location of any mobile home that, Saving

(*a*) was erected or located and in use prior to the 1st day of June, 1977; or

(*b*) was erected or located in accordance with a building permit issued prior to the 1st day of June, 1977.

47.—(1) The Minister may by order, Power of Minister re zoning and subdivision control

(*a*) in respect of any land in Ontario, exercise any of the powers conferred upon councils by section 34, but subsections (11) to (31) of that section do not apply to the exercise of such powers; and

(*b*) in respect of any land in Ontario, exercise the powers conferred upon councils by subsection 50 (4).

Power of Minister to allow minor variances

(2) Where an order has been made under clause (1) (*a*), the Minister, in respect of the lands affected by the order, has all the powers in respect of such order as a committee of adjustment has under subsections 45 (1) and (2) in respect of a by-law passed under section 34, but the provisions of subsections 45 (4) to (8) and (10) to (20) do not apply to the exercise by the Minister of such powers.

Order prevails over by-law in event of conflict

(3) In the event of a conflict between an order made under clause (1) (*a*) and a by-law that is in effect under section 34 or 37, or a predecessor thereof, the order prevails to the extent of such conflict, but in all other respects the by-law remains in full force and effect.

Where order deemed by-law of municipality

(4) Where the Minister so provides in the order, an order made under clause (1) (*a*) in respect of land situate in a municipality the council of which has the powers conferred by section 34 shall be deemed for all purposes except the purposes of section 24 to be a by-law passed by the council of the municipality in which the land is situate and to be in force in the municipality.

Notice

(5) No notice or hearing is required prior to the making of an order under subsection (1) but the Minister shall give notice of any such order within thirty days of the making thereof in such manner as he considers proper and shall set out in the notice the provisions of subsections (8), (9) and (10).

Idem

(6) The Minister shall cause a duplicate or certified copy of an order made under clause (1) (*a*),

(*a*) where the land affected is situate in a local municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more local municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 78 (2) of the *Municipal Act* apply with necessary modifications; and

R.S.O. 1980, c. 302

(*b*) where the land affected is situate in territory without municipal organization, to be lodged in the proper land registry office, where it shall be made available to the public as a production.

Registration

(7) The Minister shall cause a certified copy or duplicate of an order made under clause (1) (*b*) to be registered in the proper land registry office.

(8) The Minister may, on his own initiative or at the request of any person, by order, amend or revoke in whole or in part any order made under subsection (1). Revocation or amendment

(9) Except as provided in subsection (10), the Minister before amending or revoking in whole or in part an order made under subsection (1) shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof. Notice

(10) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection (1), the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the application and thereupon the Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part. Hearing by O.M.B.

(11) Despite subsection (10), where the Minister is of the opinion that a hearing by the Municipal Board would serve no useful purpose or that the request is made only for the purpose of delay, he may refuse a request. Refusal of request by Minister

(12) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (10), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board. Notice of hearing

(13) At the conclusion of the hearing, the Municipal Board shall make a report to the Minister in which shall be set out the Board's findings and recommendations in respect of the application and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter. Report to Minister

(14) After considering the report of the Municipal Board, the Minister may either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the decision of the Minister is final. Power of Minister

(15) An order of the Minister made under clause (1) (*b*) has the same effect as a by-law passed under subsection 50 (4). Effect of land use order

48. Despite the provisions of any other general or special Act, a licence, permit, approval or permission shall not be issued or granted nor any utility or service provided by a public utilities commission or other public or Crown agency in respect of any land, building or structure where the proposed use of the land or the erection or proposed use of the building or structure would be in contravention of section 46 or of an order made under section 47. Where licence, etc., not to issue

Interpretation

49.—(1) In this section, "officer" means an officer who has been assigned the responsibility of enforcing section 46, orders of the Minister made under clause 47 (1) (*a*) or zoning by-laws passed under section 34.

Entry and inspection

(2) Subject to subsection (3), where an officer believes on reasonable grounds that section 46, an order of the Minister made under clause 47 (1) (*a*) or a by-law passed under section 34, 37 or 40 is being contravened, the officer or any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he believes the contravention is occurring.

Where warrant under R.S.O. 1980, c. 400, s. 142, required

(3) Except under the authority of a search warrant issued under section 142 of the *Provincial Offences Act,* an officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

PART VI

SUBDIVISON OF LAND

Interpretation

50.—(1) In this section and in section 53 "consent" means,

(*a*) where the land is situate within a regional municipality or is situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford, a consent given by the regional council, the Metropolitan Council, the District Council or the County Council, as the case may be;

(*b*) where the land is situate within a town, village or township that forms part of a county for municipal purposes, a consent given by the council of the county;

(*c*) where the land is situate within a local municipality that is within a county, but that does not form part of the county for municipal purposes, a consent given by the council of the local municipality;

(*d*) where the land is situate within a city that is within a territorial district, other than a city within a regional or district municipality, a consent given by the council of the city; or

(*e*) where the land is situate in a territorial district but is not within a regional or district municipality or is not within a city, a consent given by the Minister,

and a reference herein and in section 53 to the Minister or to a council, as the case may be, includes a delegate thereof as provided for in sections 4 and 54.

Proviso

(2) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only.

Subdivision control

(3) No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(*a*) the land is described in accordance with and is within a registered plan of subdivision;

(*b*) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with;

(*c*) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;

(*d*) the land or any use of or right therein is being acquired for the construction of a transmission line as defined in the *Ontario Energy Board Act* and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or

R.S.O. 1980, c. 332

(*e*) a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

Designation of plans of subdivision not deemed registered

(4) The council of a local municipality may by by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3).

Part-lot control

(5) Where land is within a plan of subdivision registered before or after the coming into force of this section, no person shall convey a part of any lot or block of the land by way of a deed, or transfer, or grant, assign or exercise a power of appointment in respect of a part of any lot or block of the land, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(*a*) the grantor by deed or transfer, the person granting, assigning or exercising a power of appointment, the mortgagor or chargor, the vendor under an agreement of purchase and sale or the grantor of a use of or right in land, as the case may be, does not retain the fee or the equity of redemption in, or a power or right to grant, assign or exercise a power of appointment in respect of, any land abutting the land that is being conveyed or otherwise dealt with;

(*b*) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada, Her Majesty in right of Ontario, Ontario Hydro or by any municipality;

(*c*) the land or any use of or right therein is being acquired for the construction of a transmission line or utility line, both as defined in the *Ontario Energy Board Act*, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose;

R.S.O. 1980, c. 332

(*d*) the land that is being conveyed, or otherwise dealt with is the remaining part of a lot or block, the other part of which was acquired by expropriation; or

(*e*) a consent is given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.

(6) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part or parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, but the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection (23) have been complied with, subsection (5) thereupon applies to the lands affected by the repeal or amendment. Designation of lands not subject to part-lot control

(7) Nothing in subsections (3) and (5) prohibits, and subsections (3) and (5) shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land, provided that the mortgage or charge applies to all of the land described in the conveyance. Exception

(8) Nothing in subsections (3) and (5) prohibits the entering into of an agreement that has the effect of granting the use of or right in a part of a building or structure for any period of years. Part of building or structure

(9) This section does not apply to an agreement entered into under section 2 of the *Drainage Act*. Agreement under R.S.O. 1980, c. 126, s. 2

(10) This section does not apply so as to prevent the Agricultural Rehabilitation and Development Directorate of Ontario from conveying or leasing land where the land that is being conveyed or leased comprises all of the land that was acquired by the Directorate under one registered deed or transfer. Application to ARDA

(11) Where a parcel of land is conveyed by way of a deed or transfer with a consent given under section 53, subsections (3) and (5) of this section do not apply to a subsequent conveyance of, or other transaction involving, the identical parcel of land unless the council or the Minister, as the case may be, in giving the consent, stipulates either that subsection (3) or subsection (5) shall apply to any such subsequent conveyance or transaction. Exception to application of s. 50 (3, 5)

(12) Where the council or the Minister stipulates in accordance with subsection (11), the certificate provided for under subsection 53 (20) shall contain a reference to the stipulation, and if not so contained the consent shall be conclusively deemed to have been given without the stipulation. Reference to stipulation

(13) Where land is within a registered plan of subdivision or within a registered description under the *Condominium Act* or where land is conveyed with a consent given under section 53 or a predecessor thereof, any contravention of this section or a pre- Effect of contravention of s. 50, etc., before plan registered, etc. R.S.O. 1980, c. 84

decessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (*b*), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that occurred prior to the registration of the plan of subdivision or description or prior to the conveyance, as the case may be, does not and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in the land, but this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the 15th day of December, 1978.

Simultaneous conveyances, etc., of abutting lands

(14) Where a person conveys land or grants, assigns or exercises a power of appointment in respect of land, or mortgages or charges land, or enters into an agreement of sale and purchase of land, or enters into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more by way of simultaneous conveyances of abutting lands or by way of other simultaneous dealings with abutting lands, the person so conveying or otherwise dealing with the lands shall be deemed for the purposes of subsections (3) and (5) to retain, as the case may be, the fee or the equity of redemption in, or the power or right to grant, assign or exercise a power of appointment in respect of, land abutting the land that is being conveyed or otherwise dealt with.

Partial discharges, etc., effect of

(15) Where a person gives a partial discharge of a mortgage on land or gives a partial cessation of a charge on land, the person giving the partial discharge or partial cessation shall be deemed to hold the fee in the lands mentioned in the mortgage or charge and to retain, after the giving of the partial discharge or partial cessation, the fee in the balance of the lands, and for the purposes of this section shall be deemed to convey by way of deed or transfer the land mentioned in the partial discharge or partial cessation.

Saving

(16) Subsection (15) does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

(*a*) is the same land in respect of which a consent to convey has previously been given;

(*b*) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection (4); or

(*c*) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario, Ontario Hydro or by any municipality.

Foreclosure or exercise of power of sale, when approval of Minister required

(17) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be, but this subsection does not apply where the land foreclosed or in respect of which the power of sale is exercised comprises only,

(*a*) the whole of one or more lots or blocks within one or more registered plans of subdivision; or

(*b*) one or more parcels of land that do not abut any other parcel of land that is subject to the same mortgage or charge.

Release of interest by joint tenant or tenant in common

(18) Where a joint tenant or tenant in common of land releases or conveys his interest in such land to one or more other joint tenants or tenants in common of the same land while holding the fee in any abutting land, either by himself or together with any other person, he shall be deemed, for the purposes of subsections (3) and (5), to convey such land by way of deed or transfer and to retain the fee in the abutting land.

Order made under R.S.O. 1980, c. 369

(19) No order made under the *Partition Act* for the partition of land shall have any effect in law unless,

(*a*) irrespective of the order, each part of the land described in the order could be conveyed without contravening this section; or

(*b*) a consent is given to the order.

Division of land by will

(20) Where a provision is contained in a will for the division of land between two or more persons such provision shall have no effect in law unless,

(*a*) irrespective of the provision in the will, each part of the land described in the will could be conveyed without contravening this section; or

(*b*) a consent is given to the provision in the will.

Conveyance, etc., contrary to section not to create or convey interest in land

(21) An agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with.

Copy of by-law to be lodged with Minister

(22) A certified copy or duplicate of every by-law passed under subsection (4) shall be lodged by the clerk of the municipality in the office of the Minister.

When by-law effective

(23) A by-law passed under subsection (4) is not effective until the requirements of subsection (24) have been complied with.

Registration of by-law

(24) A certified copy or duplicate of every by-law passed under this section shall be registered by the clerk of the municipality in the proper land registry office.

Notice

(25) No notice or hearing is required prior to the passing of a by-law under subsection (4), but the council shall give notice of the passing of any such by-law within thirty days of the passing thereof to each person appearing on the last revised assessment roll to be the owner of land to which the by-law applies, which notice shall be sent to the last known address of each such person.

Hearing by council

(26) The council shall hear in person or by his agent any person to whom a notice was sent under subsection (25), who within twenty days of the mailing of the notice to him gives notice to the clerk of the municipality that he desires to make representations respecting the amendment or repeal of the by-law.

Application for approval of subdivision plan

51.—(1) An owner of land or his agent duly authorized in writing may apply to the Minister for approval of a plan of subdivision of his land or part thereof.

What draft plan to indicate

(2) An applicant under subsection (1) shall provide as many copies as may be required by the Minister of a draft plan of the proposed subdivision drawn to scale and showing,

(*a*) the boundaries of the land to be subdivided, certified by an Ontario land surveyor;

(*b*) the locations, widths and names of the proposed highways within the proposed subdivision and of existing highways on which the proposed subdivision abuts;

(*c*) on a small key plan, on a scale of not less than one centimetre to 100 metres, all of the land adjacent to the proposed subdivision that is owned by the applicant or in which he has an interest, every subdivision adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;

(*d*) the purpose for which the lots are to be used;

(*e*) the existing uses of all adjoining lands;

(*f*) the approximate dimensions and layout of the proposed lots;

(*g*) natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;

(*h*) the availability and nature of domestic water supplies;

(*i*) the nature and porosity of the soil;

(*j*) existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land;

(*k*) the municipal services available or to be available to the land proposed to be subdivided; and

(*l*) the nature and extent of any restrictive covenants or easements affecting the land proposed to be subdivided.

Minister may confer

(3) The Minister may confer with municipal, provincial or federal officials, with officials of commissions, authorities or corporations and with such other bodies or persons as the Minister considers may have an interest in the approval of the proposed subdivision.

What matters to be regarded

(4) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to the following,

(*a*) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

(*b*) whether the proposed subdivision is premature or in the public interest;

(*c*) whether the plan generally conforms to the official plan and adjacent plans of subdivision, if any;

(*d*) the suitability of the land for the purposes for which it is to be subdivided;

(*e*) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy thereof;

(*f*) the dimensions and shape of the lots;

(*g*) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;

(*h*) conservation of natural resources and flood control;

(*i*) the adequacy of utilities and municipal services;

(*j*) the adequacy of school sites;

(*k*) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and

(*l*) the physical layout of the plan having regard to energy conservation.

Dedication of land for park and highway purposes

(5) The Minister may impose such conditions to the approval of a plan of subdivision as in his opinion are reasonable, having regard to the nature of the development proposed for the subdivision and, in particular, but without restricting in any way whatsoever the generality of the foregoing, he may impose as a condition,

(*a*) that land to an amount to be determined by the Minister but not exceeding in the case of a subdivision proposed for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land included in the plan shall be conveyed to the local municipality for park or other public recreational purposes or, if the land is not in a municipality, shall be dedicated for park or other public recreational purposes;

(*b*) that such highways shall be dedicated as the Minister considers necessary;

(*c*) when the subdivision abuts on an existing highway that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to such width as the Minister considers necessary; and

(*d*) that the owner of the land enter into one or more agreements with a municipality, or where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

Subdivision agreements

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of the

Registry Act and the *Land Titles Act,* any and all subsequent owners of the land. R.S.O. 1980, cc. 445, 230

(7) Where the Minister has imposed a condition under clause (5) (*a*) requiring land to be conveyed to the municipality and where the municipality has an official plan that contains specific policies relating to the provision of lands for park or other public recreational purposes, the municipality, in the case of a subdivision proposed for residential purposes, may, in lieu of such conveyance, require that land included in the plan be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be determined by the municipality. Alternative requirement

(8) Where the Minister has imposed a condition under clause (5) (*a*) requiring land to be conveyed to the municipality, the municipality may, in lieu of accepting such conveyance, require the payment of money by the owner of the land, Cash payment in lieu of conveyance

(*a*) to the value of the land otherwise required to be conveyed; or

(*b*) where the municipality would be entitled to require a conveyance under subsection (7), to the value of the land that would otherwise be required to be so conveyed.

(9) For the purpose of determining the amount of any payment required under subsection (8), the value of the land shall be determined as of the day before the day of the draft approval of the plan and where the owner and the municipality are unable to agree on the value, either party may apply to the Land Compensation Board to have the value determined and the Board shall, in accordance as nearly as may be with the provisions of the *Expropriations Act*, determine the value of the land. Valuation of land; R.S.O. 1980, c. 148

(10) Land conveyed to a municipality pursuant to a condition imposed under subsection (5) shall be used for park or other public recreational purposes but may be sold at any time. Use and sale of land

(11) The council of a municipality may include in its estimates an amount to be used for the acquisition of lands to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (12) the sum so included in the estimates, and any person may pay any sum into the same fund. Fund for acquisition of park lands

(12) All moneys received by the municipality under subsections (8) and (11) and all moneys received on the sale of land under subsection (10), less any amount expended by the municipality out of its general funds in respect of such land, shall be Special account

paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park or other public recreational purposes, including the erection or repair of buildings or other structures thereon or for the maintenance of lands, buildings or structures used for park or other public recreational purposes, including the acquisition of machinery and equipment required for such maintenance, and the moneys in such special account may be invested in such securities as a trustee may invest in under the *Trustee Act,* and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1980, c. 512

Giving or refusing of approval by Minister

(13) The Minister may, subject to subsections (14) and (15), give or refuse to give his approval to a draft plan of subdivision.

Reasons for refusal

(14) Where the Minister proposes to refuse to give his approval to a draft plan of subdivision, the Minister shall send notice to the applicant together with written reasons as to why he proposes to refuse his approval and where the applicant does not, within sixty days of the sending of the notice, request the Minister to refer the draft plan to the Municipal Board, the approval of the Minister shall be deemed to have been refused.

Referral of plan to O.M.B.

(15) At any time before the Minister has given or has refused to give his approval to a draft plan of subdivision, the Minister may, and upon application therefor shall, refer the draft plan of subdivision to the Municipal Board unless, in his opinion, referral to the Board would serve no useful purpose or unless, in his opinion, the request is made only for the purpose of delay and where the draft plan is referred to the Board the Board shall hear and determine the matter.

Reasons

(16) Where an application is made under subsection (15), the application shall be accompanied by written reasons in support thereof.

Reference of conditions

(17) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions, imposed or to be imposed, he or it, at any time before the plan of subdivision is finally approved, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister, and the Board shall then hear and determine the question as to the condition or conditions so referred to it.

Withdrawal of approval

(18) The Minister may, in his discretion, withdraw his approval to a draft plan of subdivision or change the conditions

of such approval at any time prior to his approval of a final plan for registration.

When draft plan approved

(19) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with the *Surveys Act* and the *Registry Act* or the *Surveys Act* and the *Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

R.S.O. 1980, cc. 493, 445, 230

Approval of plan by Minister

(20) Upon presentation by the person desiring to subdivide, the Minister may, if satisfied that the plan is in conformity with the approved draft plan and that the conditions of approval have been or will be fulfilled, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Withdrawal of approval of plan for registration

(21) When a final plan for registration is approved under subsection (20) and is not registered within thirty days of the date of approval, the Minister may withdraw his approval.

Duplicates to be deposited and sent to Minister

(22) In addition to any requirement under the *Registry Act* or the *Land Titles Act*, the person tendering the plan of subdivision for registration shall deposit with the land registrar a duplicate, or when required by the Minister two duplicates, of the plan of a type approved by the Minister, and the land registrar shall endorse thereon a certificate showing the number of the plan and the date when the plan was registered and shall deliver such duplicate or duplicates to the Minister.

R.S.O. 1980, cc. 445, 230

Saving

(23) Approval of a plan of subdivision by the Minister does not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act.

Sale of lands in accordance with unregistered plan prohibited

52.—(1) No person shall offer for sale, agree to sell or sell land by a description in accordance with an unregistered plan of subdivision, other than a plan of subdivision in respect of which draft approval has been given under section 51.

Interpretation

(2) In subsection (1), "unregistered plan of subdivision" does not include a reference plan of survey under section 149 of the *Land Titles Act* that complies with the regulations under that Act or a plan deposited under Part II of the *Registry Act* in accordance with the regulations under that Act.

Consent

53.—(1) An owner of land or his agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to subsections (2) to (19) of this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

Matters to be regarded

(2) A council or the Minister, as the case may be, in determining whether a consent is to be given shall have regard to the matters that are to be had regard to under subsection 51 (4) and has the same powers with respect to a consent as the Minister has with respect to an approval of a plan of subdivision under subsection 51 (5), and subsections 51 (5), (7), (8), (9), (10) and (12) apply with necessary modifications.

Conveyance of land for park purposes

(3) Where, on the giving of a consent, land is required to be conveyed to a municipality for park or other public recreational purposes and the council of the municipality requires the payment of money to the value of the land in lieu of the conveyance, for the purpose of determining the amount of the payment the value of the land shall be determined as of the day before the day of the giving of the consent.

Conferring with agencies, etc.

(4) A council, in determining whether a consent is to be given, shall confer with such agencies or persons as are prescribed.

Notice of decision

(5) Where a decision is made by a council to give a consent, written notice of the decision, setting out the conditions, if any, imposed to the giving of the consent, shall be sent, not later than ten days from the making of the decision, to the applicant, to every agency or person conferred with under subsection (4) that in writing requested to be given notice of the decision, to any other person who in writing requested to be given notice of the decision and to the Minister, if the Minister has notified the council by registered mail that he wishes to receive a copy of all decisions made to give a consent.

Idem

(6) Where a decision is made by a council to refuse to give a consent, written notice of the decision shall be sent not later than ten days from the making of the decision to the applicant and to the agencies and persons mentioned in subsection (5), other than the Minister, together with written reasons for the decision.

Appeal to O.M.B.

(7) The applicant, the Minister and every agency or other person to whom notice of the decision was sent may within thirty days of the making of the decision appeal to the Municipal Board against the decision by filing with the clerk of the municipality, the council of which made the decision, a notice of appeal setting out written reasons in support of the appeal and accompanied by payment to the clerk of the fee prescribed by the Board under the *Ontario Municipal Board Act*.

R.S.O. 1980, c. 347

Idem

(8) The clerk of the municipality upon receipt of a notice of appeal filed under subsection (7) shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection (7) to the Municipal Board by registered mail together with all papers and documents filed with the council relating to the

matter appealed from and such other documents and papers as may be required by the Board.

Minister may confer with officials, etc.

(9) The Minister in determining whether a consent is to be given shall confer with such officials, authorities, corporations, bodies or persons as the Minister considers may have an interest in the application and thereafter may, subject to subsections (10) to (18), give, or refuse to give, the consent.

Conditions

(10) Where the Minister proposes to impose conditions to the giving of a consent, the Minister shall give written notice to the applicant specifying the conditions, and the Minister may change the conditions at any time prior to the giving of the consent.

Reasons for refusal to give consent

(11) Where the Minister proposes to refuse to give a consent, the Minister shall send notice to the applicant together with written reasons as to why it is proposed to refuse to give the consent and where the applicant does not, within sixty days of the sending of the notice, request the Minister to refer the application for consent to the Municipal Board, the consent shall be deemed to have been refused.

Referral to O.M.B.

(12) At any time before written notice is given to an applicant under subsection (10) specifying conditions, the Minister may, and upon application therefor accompanied by written reasons in support thereof shall, refer the application for consent to the Municipal Board unless, in the opinion of the Minister, referral to the Board would serve no useful purpose or unless, in the opinion of the Minister, the request is made only for the purpose of delay, but in no event may an application for consent be referred to the Board after the Minister has given or refused to give the consent.

Idem

(13) Where the owner of the land, the local municipality or the county or regional, metropolitan or district municipality, if any, in which the land is situate, is not satisfied as to the conditions or any of the conditions imposed or to be imposed by the Minister, he or it, at any time before the consent is given, may require the condition or conditions that are unsatisfactory to be referred to the Municipal Board by written notice to the secretary of the Board and to the Minister.

Hearing by O.M.B.

(14) On an appeal to the Municipal Board under subsection (7) or where an application for a consent is referred to the Board under subsection (12) or where conditions are referred to the Board under subsection (13), the Board shall hold a hearing of which notice shall be given to such agencies or persons and in such manner as the Board may determine.

Dismissal of appeal without hearing

(15) Despite subsection (14), the Municipal Board may, where it is of the opinion that the reasons in support of an appeal under subsection (7) are insufficient, dismiss the appeal without holding a hearing and where the Board does so it shall give written reasons therefor to the appellant, to the applicant where he is not the appellant, and to the council that made the decision from which the appeal was made.

Powers of O.M.B.

(16) Following the hearing on an appeal under subsection (7) or a referral under subsection (12), the Municipal Board may make any decision that the council or the Minister, as the case may be, could have made on the original application and on a referral of conditions under subsection (13) the Board shall determine the question as to the condition or conditions referred to it.

Where consent to be given

(17) Where under subsection (16) the decision of the Municipal Board is that a consent be given, the council or the Minister, as the case may be, shall thereupon give the consent, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Where consent may be given

(18) Where the decision of the council or the Minister on an application is to give a consent and there has been no appeal under subsection (7) and no referral under subsection (12), the consent may be given, except that where conditions have been imposed the consent shall not be given until the council or the Minister is satisfied that the conditions have been fulfilled.

Where conditions not fulfilled

(19) Where conditions have been imposed and the applicant has not, within a period of one year from the giving of the notice mentioned in subsection (5) or (10), as the case may be, fulfilled the conditions, the application for consent shall thereupon be deemed to be refused.

Certificate that consent given

(20) When a consent has been given under this section, the clerk of the municipality, the council of which gave the consent or the Minister, as the case may be, shall give a certificate to the applicant stating that the consent has been given and the certificate is conclusive evidence that the consent was given and that the provisions of this Act leading to the consent have been complied with and that, despite any other provision of this Act, the council or the Minister had jurisdiction to grant the consent and after the certificate has been given no action may be maintained to question the validity of the consent but, where the authority to give consents has been delegated under section 54 to a land division committee or to a committee of adjustment, the certificate shall be given by the secretary-treasurer of the appropriate committee.

When consent lapses

(21) A consent given under this section lapses at the expiration of two years from the date of the certificate given under subsection (20) if the transaction in respect of which the consent was given is not carried out within the two-year period, but the council or the Minister, as the case may be, in giving the consent may provide for an earlier lapsing of the consent.

Delegation of authority to give consents to constituent municipality

54.—(1) The council of a county or of a regional, metropolitan or district municipality, with the approval of the Minister, may, by by-law, delegate to the council of a constituent local or area municipality, as the case may be, the authority for the giving of consents under section 53 in respect of land situate in the local or area municipality.

Further delegation

(2) Where authority is delegated to a council under subsection (1), such council may, in turn, by by-law, delegate the authority or any part of such authority, to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Withdrawal of delegated powers

(3) The Minister may, at any time, revoke the approval given under subsection (1) by giving written notice thereof to the clerk of the council that passed the delegating by-law and to the clerk of the council that received the delegated authority and when such notice is given the delegation is thereupon terminated except that all applications for consent made prior to the giving of the notice shall continue to be dealt with as if the delegation had not been terminated.

Delegation to committee of council, etc.

(4) Except as delegated under subsection (1), the authority or any part of such authority of a council of a county or of a council of a regional, metropolitan or district municipality may be delegated by the council to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a land division committee.

Idem

(5) The council of a city that is not situate within a regional municipality or that is not situate within The Municipality of Metropolitan Toronto, The District Municipality of Muskoka or the County of Oxford and the council of any other local municipality that is within a county but that does not form part of the county for municipal purposes may, by by-law, delegate the authority of the council under section 53 or any part of such authority to a committee of council, to an appointed officer identified in the by-law by name or position occupied or to a committee of adjustment.

Committee of adjustment

(6) Where, under subsection (2) or (5), a committee of adjustment has had delegated to it the authority to give a consent, the provisions of subsections 53 (2) to (21) apply with necessary

modifications and the provisions of subsections 45 (4) to (20) do not apply, in the exercise of that authority.

Conditions, withdrawal

(7) A delegation of authority made by a council under this section may be subject to such conditions as the council by by-law provides and the council may by by-law withdraw the delegation of authority provided however, where authority delegated under subsection (1) is withdrawn, all applications for consent made prior to the withdrawal shall continue to be dealt with as if the delegation had not been withdrawn.

District land division committee, delegation

55.—(1) The Minister by order may constitute and appoint one or more district land division committees composed of such persons as he considers advisable and may by order delegate thereto the authority of the Minister to give consents under section 53 in respect of such lands situate in a territorial district as are defined in the order.

Conditions and withdrawal of delegation

(2) A delegation made by the Minister under subsection (1) may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Application of s. 44

(3) Where the Minister has delegated his authority to a district land division committee under subsection (1), the provisions of subsections 44 (5), (6), (7), (8), (10) and (11) apply with necessary modifications.

Agreements

(4) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 51 (6) apply with necessary modifications to any such agreement.

Remuneration

(5) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

Application of fees

(6) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be paid into the Consolidated Revenue Fund.

Land division committee

56.—(1) The council of a county or of a regional, metropolitan or district municipality may by by-law constitute and appoint a land division committee composed of such persons, not fewer than three, as the council considers advisable.

Application of s. 44 (2-11)

(2) The provisions of subsections 44 (2) to (11) apply, with necessary modifications, where a land division committee is constituted under subsection (1) of this section.

57.—(1) The Minister may, by order, in respect of land described in the order provide that the contravention, before the 19th day of March, 1973, of section 29 of *The Planning Act,* being chapter 349 of the Revised Statutes of Ontario, 1970, or a predecessor thereof or of a by-law passed under a predecessor of section 29 or of an order made under clause 27 (1) (*b*), as it existed on the 25th day of June, 1970, of *The Planning Act,* being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance of or creation of any interest in such land, provided that the order does not affect the rights acquired by any person from a judgment or order of any court, given or made on or before the day on which the order is made by the Minister. Effect of contravention of R.S.O. 1970, c. 349, s. 29, etc., on conveyances made prior to March 19th, 1973

(2) No order shall be made by the Minister under subsection (1) in respect of land situate in a local municipality unless the council of the local municipality in which the land is situate has by by-law requested the Minister to make such order, which such by-law the council is hereby empowered to pass. Proviso

(3) A council may, as a condition to the passage of a by-law under subsection (2), impose such conditions in respect of any land described in the by-law as it considers appropriate. Conditions

(4) Nothing in this section derogates from the power a council or the Minister has to grant consents referred to in section 53. Proviso

PART VII

GENERAL

58. The provisions of the *Municipal Act* apply to the acquisition of land under this Act. Application of R.S.O. 1980, c. 302, to acquisition of land

59. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held. Power to clear, grade, etc., lands acquired

60. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality. Exchange of lands

61. Despite any general or special Act, the *Statutory Powers Procedure Act* does not apply to any proceedings under section 17, 28 or 34 in or before the council of a municipality or a committee of council or, under section 19, in or before a planning board. Where R.S.O. 1980, c. 484 not to apply

Application of Act to Ontario Hydro

62.—(1) Except as provided in sections 3, 6 and 48 and subsection (2) of this section, this Act does not affect Ontario Hydro.

Idem

(2) Land and buildings owned by Ontario Hydro and used for executive, administrative or retail purposes or held under lease or licence from Ontario Hydro and any undertaking of Ontario Hydro, unless approved or exempted under the *Environmental Assessment Act*, are subject to this Act.

R.S.O. 1980, c. 140

Effect of approval or consent of O.M.B.

63.—(1) Where a matter is referred to the Municipal Board under this Act, the approval or consent of the Board has the same force and effect as if it were the approval or consent of the Minister or the council of a municipality.

Deemed compliance with Act

(2) Where an approval or consent is given under this Act, the provisions of this Act leading to such approval or consent shall be deemed to have been complied with.

Non-application of R.S.O. 1980, c. 347, s. 94

64. Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of any order or decision of the Municipal Board made in respect of any matter referred or appealed to the Board under this Act.

Resumption by Minister of matters referred to O.M.B.

65. When under this Act the Minister has referred a matter to the Municipal Board, the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, but where a matter has been referred to the Board pursuant to the request of any person, the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

Effect of approval or consent under delegated authority

66. Where the Minister or the council of a municipality delegates under this Act the authority to give an approval or consent, an approval or consent given under the authority has the same force and effect as if it were the approval or consent of the Minister or the council as the case may be.

Penalty

67.—(1) Every person who contravenes section 41, 46 or 52 or who contravenes a by-law passed under section 34, 37 or 40 or an order made under section 47 is guilty of an offence and on conviction is liable,

(*a*) on a first conviction to a fine of not more than $20,000; and

(*b*) on a subsequent conviction to a fine of not more than $10,000 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

(2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is, Corporation

(*a*) on a first conviction a fine of not more than $50,000; and

(*b*) on a subsequent conviction a fine of not more than $25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted,

and not as provided in subsection (1).

(3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted. Order of prohibition

68.—(1) Despite section 57 of the *Assessment Act,* it is not an offence to disclose the information referred to therein to any person who declares that such information is required in the course of his planning duties. Saving R.S.O. 1980, c. 31, s. 57

(2) A person who wilfully discloses or permits to be disclosed the information referred to in subsection (1) to any other person not likewise entitled in the course of his duties to acquire or have access to the information is guilty of an offence and on conviction is liable to a fine of not more than $200, or to imprisonment for a term of not more than six months, or to both. Offence

(3) This section does not prevent disclosure of such information by any person when being examined as a witness in an action or other proceeding in a court or in an arbitration. Exception

69.—(1) Municipalities and planning boards in formulating and implementing planning policies shall comply with such standards for the development of municipalities as are prescribed. Development standards

(2) Before any standard as mentioned in subsection (1) is prescribed, the Minister shall confer with such municipal, provincial, federal or other officials and bodies or persons as the Minister considers have an interest in the proposed standard. Minister to confer with municipalities, etc.

70.—(1) The council of a municipality may by by-law prescribe a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by Tariff of fees

the council of the municipality in respect of the processing of each type of application provided for in the tariff.

Reduction or waiver of fees

(2) Notwithstanding that a tariff of fees is prescribed under subsection (1) the council of a municipality, a committee of adjustment or a land division committee in processing an application may reduce the amount of, or waive the requirement for the payment of a fee in respect of the application where the council or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff.

Payment under protest: appeal to O.M.B.

(3) Any person who is required to pay a fee for the processing of an application in respect of a planning matter may pay the amount of the fee under protest and thereafter appeal to the Municipal Board against the levying of the fee or the amount of the fee by giving written notice of appeal to the Municipal Board within thirty days of payment of the fee.

Hearing

(4) The Municipal Board shall hear an appeal made under subsection (3) and shall dismiss the appeal or direct that a refund payment be made to the appellant in such amount as the Board determines.

Regulations

71. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing for the purposes of subsection 17 (2), section 19, subsection 28 (4), subsection 34 (11), subsection 35 (4), subsection 37 (3) or subsection 45 (5), the persons and agencies that are to be given notice, the manner in which notice is to be given and the information that must be contained therein;

(*b*) providing for the charging of a fee on any application made in respect of a planning matter to a planning board that has had authority delegated to it by the Minister;

(*c*) prescribing for the purposes of section 69, standards for the development of municipalities, which standards may vary according to population, geographic location or otherwise;

(*d*) prescribing rules of procedure for committees of adjustment and land division committees constituted under sections 44, 55 and 56;

(*e*) prescribing agencies or persons for the purposes of subsection 53 (4); and

(*f*) prescribing for the purposes of subsection 45 (11), the additional information and material required to be sent to the Minister.

Conflict

72. In the event of conflict between the provisions of this and any other general or special Act, the provisions of this Act prevail.

Official plans remain in effect

73.—(1) Except as provided in subsection (2), every official plan that is in effect immediately before the day this Act comes into force shall remain in effect but may be amended or repealed in accordance with this Act.

Repeal of joint planning area official plans

(2) Every official plan of a joint planning area that is in effect immediately before the day this Act comes into force shall be deemed to be repealed two years from that day, if not sooner repealed.

Amendment or repeal

(3) At any time during the two year period mentioned in subsection (2) the Minister may approve any amendment or repeal of an official plan of a joint planning area that may be proposed by the council of any municipality affected by the official plan.

Planning areas and boards dissolved

74.—(1) Except as provided in subsection (3), on the day this Act comes into force all planning areas including joint planning areas and subsidiary planning areas, together with the planning boards thereof are dissolved.

Assets and liabilities

(2) All the assets and liabilities of a planning board dissolved by this section are, in the case of a planning board of a planning area consisting of part or all of one municipality, assets and liabilities of such municipality and in the case of a planning board of a joint planning area, assets and liabilities of the municipalities that form part of the joint planning area and if such municipalities cannot agree as to the disposition of the assets and liabilities, the Municipal Board, upon the application of one or more of the municipalities, shall direct a final disposition thereof.

Planning areas that are continued

(3) Each planning area that immediately before the day this Act comes into force consists of the whole of two or more municipalities that are situate in a territorial district or consists of the whole of one or more municipalities and territory without municipal organization or consists solely of territory without municipal organization shall continue as a planning area under this Act without any change in name until altered or dissolved by the Minister.

Planning boards that are continued

(4) Each planning board of a planning area mentioned in subsection (3) shall continue as a planning board under this Act

without any change in name or constitution until the planning area is dissolved or the name or constitution of the planning board is changed by the Minister.

Members of planning boards that remain in office

(5) Persons who immediately before the day this Act comes into force are members of a planning board mentioned in subsection (4) shall remain in office until the expiry of the term of the council that appointed them and until their successors have been appointed under this Act.

R.S.O. 1980, c. 379, repealed

75. The *Planning Act,* being chapter 379 of the Revised Statutes of Ontario, 1980, is repealed.

Interpretation

76.—(1) In this section, "former Act" means the *Planning Act,* being chapter 379 of the Revised Statutes of Ontario, 1980.

Matters, etc., continued under R.S.O. 1980, c. 379

(2) Despite section 75, any matter or proceeding mentioned in subsection (3) that has been commenced under the former Act before the day this Act comes into force shall be continued and finally disposed of under the former Act.

When matters, etc., deemed commenced

(3) For the purposes of subsection (2), a matter or proceeding shall be deemed to have been commenced, in the case of,

(*a*) an official plan or an amendment thereto or a repeal thereof, on the day the by-law adopting the plan or adopting or proposing the amendment or repeal of the plan is passed;

(*b*) a request under subsection 17 (3) of the former Act, on the day the request is made;

(*c*) redevelopment under section 22 of the former Act, on the day the by-law designating the redevelopment area is passed;

(*d*) subdivision of land under section 33 of the former Act, on the day the application is made under subsection (1) of that section;

(*e*) a zoning by-law or an amendment thereto, on the day the by-law is passed;

(*f*) an application under subsection 39 (23) of the former Act, on the day the application is made;

(*g*) development in a site plan control area, on the day the application is made under subsection 40 (4) of the former Act;

(*h*) an application made to a committee of adjustment, a land division committee or planning board for a planning area in a territorial district, on the day the application is made; and

(*i*) an application to the Minister for a consent under section 29 of the former Act, on the day the application is made.

Commencement

77. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

78. The short title of this Act is the *Planning Act, 1981*.

An Act to revise the Planning Act

1st Reading

October 29th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs
and Housing

(*Government Bill*)

1981

BILL 160 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Public Commercial Vehicles Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. Complementary to section 3 of the Bill.

Section 2. The new provisions set out further exemptions from the requirement to have an operating licence.

Section 3. This provision sets up a procedure whereby a corporation may apply for a certificate of intercorporate exemption that has the effect of permitting the corporate and affiliated corporations named in the certificate to transport each other's goods while not being holders of operating licences.

BILL 160 1981

An Act to amend the Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Public Commercial Vehicles Act*, being chapter 407 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 1, amended

(*aa*) "certificate of intercorporate exemption" means a certificate issued under section 4*a*.

2.—(1) Subsection 2 (2) of the said Act is amended by striking out "or" at the end of clause (*d*) and by adding thereto the following clauses: s. 2 (2), amended

(*f*) livestock, feed, seed, fertilizer, farm produce other than poultry or milk, or supplies for use in the operation and maintenance of farms, while being transported in a commercial motor vehicle that is equipped with not more than two axles and does not draw a trailer;

(*g*) wheat by a person appointed to act as agent for the Ontario Wheat Producers' Marketing Board where the wheat is being transported from the agent's premises in a commercial vehicle registered in his name; or

(2) The said subsection 2 (2) is further amended by adding thereto the following clause: s. 2 (2), amended

(*h*) goods in accordance with a certificate of intercorporate exemption.

3. The said Act is amended by adding thereto the following sections: ss. 4*a*, 4*b*, enacted

4*a*.—(1) Upon receiving an application therefor together with the prescribed fee, the Minister shall issue a certificate of intercorporate exemption to the applicant. Issuance of certificate of intercorporate exemption

(2) Notwithstanding subsection (1), a certificate of intercorporate exemption shall not be issued, Exception

(*a*) to the holder of an operating licence issued under thi Act; or

(*b*) to a corporation that does not show on the applicatio an affiliated corporation,

and the certificate shall not name therein an affiliated corpora tion that holds such an operating licence.

Terms imposed by Minister

(3) The Minister may, in a certificate issued by him under th section, set out terms to govern the transportation of good under the certificate.

Effect of certificate

(4) The holder of a certificate of intercorporate exemption ar all affiliated corporations named in the certificate may opera commercial vehicles on highways for the transportation for con pensation of goods owned by any of them.

Renewal

(5) A certificate of intercorporate exemption shall be renewe by the Minister upon his being satisfied that the corporatio named therein continue to be affiliated to the holder of the ce tificate.

Cancellation, etc., of certificate

(6) Subject to section 23, the Minister may amend or cancel certificate of intercorporate exemption where the Minister, reasonable grounds, believes that a corporation named in th certificate is not affiliated to the holder of the certificate.

Idem

(7) Subject to section 23, the Minister may suspend or cance certificate of intercorporate exemption,

(*a*) where the conduct of the holder thereof, of an affiliat corporation named therein, or of its officers or dire tors, or where the holder is a corporation, of its office or directors, affords reasonable grounds for believi that the transportation service will not be operated accordance with the law and with honesty and inte rity; or

(*b*) where the holder thereof, or any person under its co trol or direction or of an affiliated corporation nam therein or any person under its control or directi contravenes this Act or the regulations or the *Highw Traffic Act* or the regulations thereunder or the terms the certificate and such contravention affords reaso able grounds for believing that the transportation se vices permitted by the certificate will not be carried in accordance with the law.

R.S.O. 1980, c. 198

Affiliated corporations

(8) A corporation shall be deemed to be an affiliate of anoth corporation if one of them is the subsidiary of the other or if b are subsidiaries of the same corporation or if each of them controlled by the same person or corporation.

SECTION 4. Some operating licences currently authorize the transportation of milk from and to specific locations and some authorize the transportation of milk and cream for The Milk Marketing Board.

However, the transportation of milk is controlled by The Milk Marketing Board which is the initial purchaser of milk in the Province. In order to avoid conflict between the terms of an operating licence and directions that a transporter of milk may receive from The Milk Marketing Board, the Act is being amended to clarify that the directions of The Milk Marketing Board prevail notwithstanding the terms of a licence.

The carriage of cream is controlled by another board so an operating licence purporting to authorize the carriage of cream for The Milk Marketing Board is without meaning. This is reflected in the amended version.

The new subsection 6 (9) of the Act is self-explanatory.

(9) A corporation shall be deemed to be controlled by another person or corporation or by two or more corporations if, Control of corporation

(*a*) voting securities of the first-mentioned corporation carrying more than 90 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the other person or corporation or by or for the benefit of the other corporations; and

(*b*) the votes carried by such securities are entitled, if exercised, to elect all members of the board of directors of the first-mentioned corporation.

(10) A corporation shall be deemed to be a subsidiary of another corporation if, Subsidiary corporation

(*a*) it is controlled by,

(i) the other corporation,

(ii) the other corporation and one or more corporations each of which is controlled by that other corporation, or

(iii) two or more corporations each of which is controlled by the other corporation; or

(*b*) it is a subsidiary of a corporation that is the other corporation's subsidiary.

4*b*.—(1) Where a certificate of intercorporate exemption has been issued the holder thereof shall notify the Minister within six days after any change in ownership of the affiliated corporation or corporations that would affect his eligibility to hold the certificate or of the corporation or corporations to be named thereon. Notification of change

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than $500 and not more than $5,000. Offence

4. Section 6 of the said Act is amended by adding thereto the following subsections: s. 6, amended

(8) Every operating licence issued by the Minister under this section, every certificate issued by the Board under section 7 and every certificate issued before the 17th day of October, 1955, by the Ontario Municipal Board under this Act that authorizes the transportation of, Effect of operating licence

(*a*) milk from a specific farm or from specific farms, o which the milk is the product, to a specific destinatio point; or

(*b*) milk and cream for The Ontario Milk Marketin Board,

shall be deemed to authorize the transportation of milk a directed by The Ontario Milk Marketing Board and, not withstanding any terms of the licence or certificate, shall no apply to authorize the transportation of milk from a specific farm or farms to a specific destination point or the transportation o cream for The Ontario Milk Marketing Board.

Idem

(9) Every operating licence authorizes the holder thereof t transport bulk fertilizer to or from any point within Ontari during the months of April, May and June in a commercia vehicle, that is not a tank truck or tank trailer, bearing a licenc plate issued to him.

Interpretation R.S.O. 1980, c. 266

(10) In subsection (8), milk means milk as defined in th *Milk Act*.

s. 7 (4), enacted

5. Subsection 7 (4) of the said Act is repealed and the followin substituted therefor:

Meaning of public necessity and convenience for purposes of subs. (1)

(4) Where the application referred to in subsection (1) is for a operating licence for only the transportation of goods through th Province of Ontario, public necessity and convenience shall b deemed to have been established for the purpose of that subsec tion upon the applicant filing with the Board evidence satisfac tory to the Board that the applicant holds appropriate operatin licences issued by the jurisdictions where the transportation b the applicant will originate and terminate.

s. 10*a*, enacted

6. The said Act is further amended by adding thereto the followin section:

10*a*.—(1) The Minister may at any time refer an operatin licence to the Board where, in the opinion of the Minister, an part is ambiguous or the rights granted by the licence are uncer tain and the Board may, after a hearing of the reference a required by the *Ontario Highway Transport Board Act*, amen the certificate pursuant to which the licence was issued to resolv any ambiguity or uncertainty or where the licence has bee issued pursuant to more than one certificate, issue a new certifi cate as set out in subsection (2), and the licence shall be amende accordingly, effective on the fifth day after the day notice of th amendment is mailed by registered mail addressed to the license at his last known address.

R.S.O. 1980, c. 338

SECTION 5. Section 7 of the Act provides for the issue of an operating licence where an applicant shows public necessity and convenience. Subsection 7 (4) currently provides that where an applicant has licences in provinces other than Ontario and requires a licence for the purpose of transporting goods through Ontario, public necessity and convenience shall be deemed to have been established. The provision as recast expands this provision so that the effect is that where the applicant holds licences in any jurisdiction in Canada or the United States of America, he can obtain a licence permitting him to transport goods through Ontario without having to prove public convenience and necessity.

SECTION 6. The new provision permits the Minister to refer an ambiguously worded licence to the Board for clarification.

SECTION 7. Subsection 14 (2) now prohibits a person from holding more vehicle licences than he has vehicles. The recast provision would permit exceptions as provided by the regulations.

SECTION 8. The words underlined are being added to the current subsection 15 (2).

*(2) **A vehicle licence expires at the end of the last day of the period for** which the licence was issued or where the period is extended by regulation, **on the last day of the extended period.***

SECTION 9. Complementary to section 3 of the Bill.

(2) Where a licence to which subsection (1) applies has been issued pursuant to more than one certificate, the Board may, when it considers the combined effect of the certificates to result in ambiguity or uncertainty, issue a certificate consolidating all the related certificates and incorporating such amendments as the Board considers necessary to resolve any ambiguity or uncertainty. Idem

7. Subsection 14 (2) of the said Act is repealed and the following substituted therefor: s. 14 (2), re-enacted

(2) Except as provided in the regulations, the holder of an operating licence is not entitled to hold more vehicle licences than he has commercial vehicles registered in his name or leased in accordance with this Act and the regulations. Limit on vehicle licences

8. Subsection 15 (2) of the said Act is repealed and the following substituted therefor: s. 15 (2), re-enacted

(2) A vehicle licence expires at the end of the last day of the period for which it was issued or, where the period is extended by regulation, on the last day of the extended period. Expiry of vehicle licence

9.—(1) Subsection 23 (1) of the said Act is amended by adding thereto the following clause: s. 23 (1), amended

(*aa*) to amend, suspend or cancel a certificate of intercorporate exemption.

(2) The said subsection 23 (1) is further amended by inserting after "licensee" in the ninth line "or holder of a certificate of intercorporate exemption". s. 23 (1), amended

(3) Clause 23 (2) (*a*) of the said Act is repealed and the following substituted therefor: s. 23 (2) (*a*), re-enacted

(*a*) does not give notice in accordance with subsection (1) requiring a hearing by the Board, the Minister may forthwith carry out his proposal; or

. . . . .

(4) Subsection 23 (8) of the said Act is repealed and the following substituted therefor: s. 23 (8), re-enacted

(8) The Board shall, after a hearing under this section, make a report to the Minister, which shall set out its findings of fact and conclusions of law and its recommendations as to the issuance, amendment, suspension or cancellation of the licence or certificate of intercorporate exemption to which it relates. Report to Minister

s. 23, amended

(5) The said section 23 is amended by adding thereto the following subsection:

Interpretation

(10) In this section "licensee" includes a holder of a certificate of intercorporate exemption.

s. 27 (4), amended

10. Subsection 27 (4) of the said Act is amended by adding at the beginning thereof "Except as provided in the regulations".

s. 31*a*, enacted

11. The said Act is further amended by adding thereto the following section:

Certificate and documents to be carried

31*a*. Every driver of a commercial vehicle that is being operated under a certificate of intercorporate exemption shall carry or keep in a readily accessible place in the vehicle,

(*a*) the certificate; and

(*b*) a shipping document signed by the consignor showing the name of the consignor, the name and address of the consignee, the originating point and destination of the shipment and the particulars of the goods comprising the shipment,

and shall produce them on the demand of a member of the Ontario Provincial Police Force or an officer of the Ministry.

s. 32 (3), amended

12. Subsection 32 (3) of the said Act is amended by adding thereto the following clause:

(*ba*) a copy of the certificate of intercorporate exemption.

s. 33 (1), amended

13.—(1) Subsection 33 (1) of the said Act is amended by inserting after "forwarder" in the fifth line "or the holder of a certificate of intercorporate exemption or of an affiliated corporation named in such certificate relating to the transportation of goods for compensation".

s. 33 (6), re-enacted

(2) Subsection 33 (6) of the said Act is repealed and the following substituted therefor:

Removal of documents

(6) Any person conducting an examination or investigation under section 32 or under this section may,

(*a*) in the case of an examination under section 32, make a copy of any document produced or obtained; or

(*b*) in the case of an examination or investigation under this section, upon giving a receipt therefor, remove any

SECTION 10. This is a housekeeping amendment to clarify that a provision is subject to the regulations.

SECTIONS 11, 12 AND 13. Complementary to section 3 of the Bill. Also the authority to make copies of documents which may be used in evidence is extended to documents examined under section 32 and subsection 33 (1) of the Act.

SECTION 14. The new provision makes a licence holder liable for offences under the Act committed by his driver.

SECTION 15.—Subsections 1 and 2. The amendments to the section authorizing the making of regulations are complementary to sections 7 and 8 of the Bill.

Subsection 3. The new provisions are complementary to section 3 of the Bill.

Subsection 4. Self-explanatory.

thing that may be examined under subsection 33 (1), clause 33 (3) (*a*) or subsection 33 (5) for the purpose of making copies thereof,

but the copying shall be made with dispatch and the thing copied shall be promptly returned.

(3) Subsection 33 (7) of the said Act is amended by inserting after "the" where it occurs the second time in the second line "examination or". s. 33 (7), amended

14. The said Act is further amended by adding thereto the following section: s. 35*a*, enacted

35*a*. The holder of an operating licence may be charged with and convicted of an offence under this Act or the regulations for which the driver of his public commercial vehicle is subject to be charged and on conviction the said holder is liable to the penalty prescribed for the offence. Licence holder liable for penalties

15.—(1) Subsection 37 (1) of the said Act is amended by adding thereto the following paragraph: s. 37 (1), amended

4*a*. prescribing or extending the period of time during which vehicle licences shall be in force.

(2) Paragraph 15 of the said subsection 37 (1) is repealed and the following substituted therefor: s. 37 (1), par. 15, re-enacted

15. providing for the holding of more vehicle licences by the holder of any class of operating licence than the licensee has commercial vehicles registered in his name or leased in accordance with this Act and the regulations and prescribing terms and conditions with respect thereto.

(3) The said subsection 37 (1) is further amended by adding thereto the following paragraphs: s. 37 (1), amended

29. prescribing the forms of certificates of intercorporate exemption and of applications related thereto;

30. governing the issue and renewal of certificates of intercorporate exemption and prescribing terms to which the certificates shall be subject;

31. prescribing the period of time during which certificates of intercorporate exemption shall be in force.

(4) Section 37 of the said Act is amended by adding thereto the following subsection: s. 37, amended

Exempting regulations

(3) Where this Act imposes a requirement concerning the issuing, carrying, producing or retaining of any information in a written form, the Lieutenant Governor in Council may make regulations exempting any person or class of persons from any such requirement and prescribing the procedure to be followed to qualify for an exemption.

Commencement

16.—(1) This Act, except section 1, subsection 2 (2), sections 3, 9, 11 and 12, and subsections 13 (1) and 15 (3), comes into force on the day it receives Royal Assent.

Idem

(2) Section 1, subsection 2 (2), sections 3, 9, 11 and 12, and subsections 13 (1) and 15 (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

17. The short title of this Act is the *Public Commercial Vehicle Amendment Act, 1981*.

An Act to amend the
Public Commercial Vehicles Act

1st Reading

October 29th, 1981

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Tranportation and
Communications

(*Government Bill*)

1981

BILL 160 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Public Commercial Vehicles Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. Complementary to section 3 of the Bill.

Section 2. The new provisions set out further exemptions from the requirement to have an operating licence.

Section 3. This provision sets up a procedure whereby a corporation may apply for a certificate of intercorporate exemption that has the effect of permitting the corporate and affiliated corporations named in the certificate to transport each other's goods while not being holders of operating or freight forwarding licences.

BILL 160 1981

An Act to amend the Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Public Commercial Vehicles Act*, being chapter 407 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 1, amended

(*aa*) "certificate of intercorporate exemption" means a certificate issued under section 4*a*.

2.—(1) Subsection 2 (2) of the said Act is amended by striking out "or" at the end of clause (*d*) and by adding thereto the following clauses: s. 2 (2), amended

(*f*) livestock, feed, seed, fertilizer, farm produce other than poultry or milk, or supplies for use in the operation and maintenance of farms, while being transported in a commercial motor vehicle that is equipped with not more than two axles and does not draw a trailer;

(*g*) wheat by a person appointed to act as agent for the Ontario Wheat Producers' Marketing Board where the wheat is being transported from the agent's premises in a commercial vehicle registered in his name; or

(2) The said subsection 2 (2) is further amended by adding thereto the following clause: s. 2 (2), amended

(*h*) goods in accordance with a certificate of intercorporate exemption.

3. The said Act is amended by adding thereto the following sections: ss. 4*a*, 4*b*, enacted

4*a*.—(1) Upon receiving an application therefor together with the prescribed fee, the Minister shall issue a certificate of intercorporate exemption to the applicant. Issuance of certificate of intercorporate exemption

(2) Notwithstanding subsection (1), a certificate of intercorporate exemption shall not be issued, Exception

(*a*) to the holder of an operating licence or freight forwarder's licence issued under this Act; or

(*b*) to a corporation that does not show on the application an affiliated corporation,

and the certificate shall not name therein an affiliated corporation that holds such an operating licence or freight forwarder's licence.

Terms imposed by Minister

(3) The Minister may, in a certificate issued by him under this section, set out terms to govern the transportation of goods under the certificate.

Effect of certificate

(4) The holder of a certificate of intercorporate exemption and all affiliated corporations named in the certificate may operate commercial vehicles on highways for the transportation for compensation of goods owned by any of them.

Renewal

(5) A certificate of intercorporate exemption shall be renewed by the Minister upon his being satisfied that the corporations named therein continue to be affiliated to the holder of the certificate.

Cancellation, etc., of certificate

(6) Subject to section 23, the Minister may amend or cancel a certificate of intercorporate exemption where the Minister, on reasonable grounds, believes that a corporation named in the certificate is not affiliated to the holder of the certificate.

Idem

(7) Subject to section 23, the Minister may suspend or cancel a certificate of intercorporate exemption,

(*a*) where the conduct of the holder thereof, of an affiliated corporation named therein, or of its officers or directors, or where the holder is a corporation, of its officers or directors, affords reasonable grounds for believing that the transportation service will not be operated in accordance with the law and with honesty and integrity; or

(*b*) where the holder thereof, or any person under its control or direction or of an affiliated corporation named therein or any person under its control or direction contravenes this Act or the regulations or the *Highway Traffic Act* or the regulations thereunder or the terms of the certificate and such contravention affords reasonable grounds for believing that the transportation services permitted by the certificate will not be carried on in accordance with the law.

R.S.O. 1980, c. 198

Affiliated corporations

(8) A corporation shall be deemed to be an affiliate of another corporation if one of them is the subsidiary of the other or if both are subsidiaries of the same corporation or if each of them is controlled by the same person or corporation.

SECTION 4. Some operating licences currently authorize the transportation of milk from and to specific locations and some authorize the transportation of milk and cream for The Milk Marketing Board.

However, the transportation of milk is controlled by The Milk Marketing Board which is the initial purchaser of milk in the Province. In order to avoid conflict between the terms of an operating licence and directions that a transporter of milk may receive from The Milk Marketing Board, the Act is being amended to clarify that the directions of The Milk Marketing Board prevail notwithstanding the terms of a licence.

The carriage of cream is controlled by another board so an operating licence purporting to authorize the carriage of cream for The Milk Marketing Board is without meaning. This is reflected in the amended version.

The new subsection 6 (9) of the Act is self-explanatory.

(9) A corporation shall be deemed to be controlled by another person or corporation or by two or more corporations if, Control of corporation

(*a*) voting securities of the first-mentioned corporation carrying more than 90 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the other person or corporation or by or for the benefit of the other corporations; and

(*b*) the votes carried by such securities are entitled, if exercised, to elect all members of the board of directors of the first-mentioned corporation.

(10) A corporation shall be deemed to be a subsidiary of another corporation if, Subsidiary corporation

(*a*) it is controlled by,

(i) the other corporation,

(ii) the other corporation and one or more corporations each of which is controlled by that other corporation, or

(iii) two or more corporations each of which is controlled by the other corporation; or

(*b*) it is a subsidiary of a corporation that is the other corporation's subsidiary.

4*b*.—(1) Where a certificate of intercorporate exemption has been issued the holder thereof shall notify the Minister within six days after any change in ownership of the affiliated corporation or corporations that would affect his eligibility to hold the certificate or of the corporation or corporations to be named thereon. Notification of change

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than $500 and not more than $5,000. Offence

4. Section 6 of the said Act is amended by adding thereto the following subsections: s. 6, amended

(8) Every operating licence issued by the Minister under this section, every certificate issued by the Board under section 7 and every certificate issued before the 17th day of October, 1955, by the Ontario Municipal Board under this Act that authorizes the transportation of, Effect of operating licence

(*a*) milk from a specific farm or from specific farms, of which the milk is the product, to a specific destination point; or

(*b*) milk and cream for The Ontario Milk Marketing Board,

shall be deemed to authorize the transportation of milk as directed by The Ontario Milk Marketing Board and, notwithstanding any terms of the licence or certificate, shall not apply to authorize the transportation of milk from a specific farm or farms to a specific destination point or the transportation of cream for The Ontario Milk Marketing Board.

Idem

(9) Every operating licence authorizes the holder thereof to transport bulk fertilizer to or from any point within Ontario during the months of April, May and June in a commercial vehicle, that is not a tank truck or tank trailer, bearing a licence plate issued to him.

Interpretation
R.S.O. 1980, c. 266

(10) In subsection (8), milk means milk as defined in the *Milk Act*.

s. 7 (4), enacted

5. Subsection 7 (4) of the said Act is repealed and the following substituted therefor:

Meaning of public necessity and convenience for purposes of subs. (1)

(4) Where the application referred to in subsection (1) is for an operating licence for only the transportation of goods through the Province of Ontario, public necessity and convenience shall be deemed to have been established for the purpose of that subsection upon the applicant filing with the Board evidence satisfactory to the Board that the applicant holds appropriate operating licences issued by the jurisdictions where the transportation by the applicant will originate and terminate.

s. 10*a*, enacted

6. The said Act is further amended by adding thereto the following section:

10*a*.—(1) The Minister may at any time refer an operating licence to the Board where, in the opinion of the Minister, any part is ambiguous or the rights granted by the licence are uncertain and the Board may, after a hearing of the reference as required by the *Ontario Highway Transport Board Act*, amend the certificate pursuant to which the licence was issued to resolve any ambiguity or uncertainty or where the licence has been issued pursuant to more than one certificate, issue a new certificate as set out in subsection (2), and the licence shall be amended accordingly, effective on the fifth day after the day notice of the amendment is mailed by registered mail addressed to the licensee at his last known address.

R.S.O. 1980, c. 338

SECTION 5. Section 7 of the Act provides for the issue of an operating licence where an applicant shows public necessity and convenience. Subsection 7 (4) currently provides that where an applicant has licences in provinces other than Ontario and requires a licence for the purpose of transporting goods through Ontario, public necessity and convenience shall be deemed to have been established. The provision as recast expands this provision so that the effect is that where the applicant holds licences in any jurisdiction in Canada or the United States of America, he can obtain a licence permitting him to transport goods through Ontario without having to prove public convenience and necessity.

SECTION 6. The new provision permits the Minister to refer an ambiguously worded licence to the Board for clarification.

SECTION 7. Subsection 14 (2) now prohibits a person from holding more vehicle licences than he has vehicles. The recast provision would permit exceptions as provided by the regulations.

SECTION 8. The words underlined are being added to the current subsection 15 (2).

(2) A vehicle licence expires at the end of the last day of the period for which the licence was issued or where the period is extended by regulation, on the last day of the extended period.

SECTION 9. Complementary to section 3 of the Bill.

(2) Where a licence to which subsection (1) applies has been issued pursuant to more than one certificate, the Board may, when it considers the combined effect of the certificates to result in ambiguity or uncertainty, issue a certificate consolidating all the related certificates and incorporating such amendments as the Board considers necessary to resolve any ambiguity or uncertainty. Idem

7. Subsection 14 (2) of the said Act is repealed and the following substituted therefor: s. 14 (2), re-enacted

(2) Except as provided in the regulations, the holder of an operating licence is not entitled to hold more vehicle licences than he has commercial vehicles registered in his name or leased in accordance with this Act and the regulations. Limit on vehicle licences

8. Subsection 15 (2) of the said Act is repealed and the following substituted therefor: s. 15 (2), re-enacted

(2) A vehicle licence expires at the end of the last day of the period for which it was issued or, where the period is extended by regulation, on the last day of the extended period. Expiry of vehicle licence

9.—(1) Subsection 23 (1) of the said Act is amended by adding thereto the following clause: s. 23 (1), amended

(*aa*) to amend, suspend or cancel a certificate of intercorporate exemption.

(2) The said subsection 23 (1) is further amended by inserting after "licensee" in the ninth line "or holder of a certificate of intercorporate exemption". s. 23 (1), amended

(3) Clause 23 (2) (*a*) of the said Act is repealed and the following substituted therefor: s. 23 (2) (*a*), re-enacted

(*a*) does not give notice in accordance with subsection (1) requiring a hearing by the Board, the Minister may forthwith carry out his proposal; or

. . . . .

(4) Subsection 23 (8) of the said Act is repealed and the following substituted therefor: s. 23 (8), re-enacted

(8) The Board shall, after a hearing under this section, make a report to the Minister, which shall set out its findings of fact and conclusions of law and its recommendations as to the issuance, amendment, suspension or cancellation of the licence or certificate of intercorporate exemption to which it relates. Report to Minister

s. 23, amended

(5) The said section 23 is amended by adding thereto the following subsection:

Interpretation

(10) In this section "licensee" includes a holder of a certificate of intercorporate exemption.

s. 27 (4), amended

10. Subsection 27 (4) of the said Act is amended by adding at the beginning thereof "Except as provided in the regulations".

s. 31*a*, enacted

11. The said Act is further amended by adding thereto the following section:

Certificate and documents to be carried

31*a*. Every driver of a commercial vehicle that is being operated under a certificate of intercorporate exemption shall carry or keep in a readily accessible place in the vehicle,

(*a*) the certificate or a copy thereof; and

(*b*) a shipping document signed by the consignor showing the name of the consignor, the name and address of the consignee, the originating point and destination of the shipment and the particulars of the goods comprising the shipment,

and shall produce them on the demand of a member of the Ontario Provincial Police Force or an officer of the Ministry.

s. 32 (3), amended

12. Subsection 32 (3) of the said Act is amended by adding thereto the following clause:

(*ba*) a copy of the certificate of intercorporate exemption.

s. 33 (1), amended

13.—(1) Subsection 33 (1) of the said Act is amended by inserting after "forwarder" in the fifth line "or the holder of a certificate of intercorporate exemption or of an affiliated corporation named in such certificate relating to the transportation of goods for compensation".

s. 33 (6), re-enacted

(2) Subsection 33 (6) of the said Act is repealed and the following substituted therefor:

Removal of documents

(6) Any person conducting an examination or investigation under section 32 or under this section may,

(*a*) in the case of an examination under section 32, make a copy of any document produced or obtained; or

(*b*) in the case of an examination or investigation under this section, upon giving a receipt therefor, remove any

SECTION 10. This is a housekeeping amendment to clarify that a provision is subject to the regulations.

SECTIONS 11, 12 AND 13. Complementary to section 3 of the Bill. Also the authority to make copies of documents which may be used in evidence is extended to documents examined under section 32 and subsection 33 (1) of the Act.

SECTION 14. The new provision makes a licence holder liable for offences under the Act committed by his driver.

SECTION 15.—Subsections 1 and 2. The amendments to the section authorizing the making of regulations are complementary to sections 7 and 8 of the Bill.

Subsection 3. The new provisions are complementary to section 3 of the Bill.

Subsection 4. Self-explanatory.

thing that may be examined under subsection 33 (1), clause 33 (3) (*a*) or subsection 33 (5) for the purpose of making copies thereof,

but the copying shall be made with dispatch and the thing copied shall be promptly returned.

(3) Subsection 33 (7) of the said Act is amended by inserting after "the" where it occurs the second time in the second line "examination or". s. 33 (7), amended

14. The said Act is further amended by adding thereto the following section: s. 35*a*, enacted

35*a*. The holder of an operating licence may be charged with and convicted of an offence under this Act or the regulations for which the driver of his public commercial vehicle is subject to be charged and on conviction the said holder is liable to the penalty prescribed for the offence. Licence holder liable for penalties

15.—(1) Subsection 37 (1) of the said Act is amended by adding thereto the following paragraph: s. 37 (1), amended

4*a*. prescribing or extending the period of time during which vehicle licences shall be in force.

(2) Paragraph 15 of the said subsection 37 (1) is repealed and the following substituted therefor: s. 37 (1), par. 15, re-enacted

15. providing for the holding of more vehicle licences by the holder of any class of operating licence than the licensee has commercial vehicles registered in his name or leased in accordance with this Act and the regulations and prescribing terms and conditions with respect thereto.

(3) The said subsection 37 (1) is further amended by adding thereto the following paragraphs: s. 37 (1), amended

29. prescribing the forms of certificates of intercorporate exemption and of applications related thereto;

30. governing the issue and renewal of certificates of intercorporate exemption and prescribing terms to which the certificates shall be subject;

31. prescribing the period of time during which certificates of intercorporate exemption shall be in force.

(4) Section 37 of the said Act is amended by adding thereto the following subsection: s. 37, amended

Exempting regulations

(3) Where this Act imposes a requirement concerning the issuing, carrying, producing or retaining of any information in a written form, the Lieutenant Governor in Council may make regulations exempting any person or class of persons from any such requirement and prescribing the procedure to be followed to qualify for an exemption.

Commencement

16.—(1) This Act, except section 1, subsection 2 (2), sections 3, 9, 11 and 12, and subsections 13 (1) and 15 (3), comes into force on the day it receives Royal Assent.

Idem

(2) Section 1, subsection 2 (2), sections 3, 9, 11 and 12, and subsections 13 (1) and 15 (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

17. The short title of this Act is the *Public Commercial Vehicles Amendment Act, 1981*.

An Act to amend the
Public Commercial Vehicles Act

1st Reading

October 29th, 1981

2nd Reading

November 17th, 1981

3rd Reading

THE HON. J. W. SNOW
Minister of Tranportation and
Communications

(Reprinted as amended by the Committee of the Whole House)

BILL 160

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Public Commercial Vehicles Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 160 1981

An Act to amend the Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Public Commercial Vehicles Act*, being chapter 407 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 1, amended

(*aa*) "certificate of intercorporate exemption" means a certificate issued under section 4*a*.

2.—(1) Subsection 2 (2) of the said Act is amended by striking out "or" at the end of clause (*d*) and by adding thereto the following clauses: s. 2 (2), amended

(*f*) livestock, feed, seed, fertilizer, farm produce other than poultry or milk, or supplies for use in the operation and maintenance of farms, while being transported in a commercial motor vehicle that is equipped with not more than two axles and does not draw a trailer;

(*g*) wheat by a person appointed to act as agent for the Ontario Wheat Producers' Marketing Board where the wheat is being transported from the agent's premises in a commercial vehicle registered in his name; or

. . . . . .

(2) The said subsection 2 (2) is further amended by adding thereto the following clause: s. 2 (2), amended

(*h*) goods in accordance with a certificate of intercorporate exemption.

3. The said Act is amended by adding thereto the following sections: ss. 4*a*, 4*b*, enacted

4*a*.—(1) Upon receiving an application therefor together with the prescribed fee, the Minister shall issue a certificate of intercorporate exemption to the applicant. Issuance of certificate of intercorporate exemption

(2) Notwithstanding subsection (1), a certificate of intercorporate exemption shall not be issued, Exception

(*a*) to the holder of an operating licence or freight forwa der's licence issued under this Act; or

(*b*) to a corporation that does not show on the applicati an affiliated corporation,

and the certificate shall not name therein an affiliated corpor tion that holds such an operating licence or freight forwarde licence.

Terms imposed by Minister

(3) The Minister may, in a certificate issued by him under th section, set out terms to govern the transportation of goo under the certificate.

Effect of certificate

(4) The holder of a certificate of intercorporate exemption a all affiliated corporations named in the certificate may opera commercial vehicles on highways for the transportation for co pensation of goods owned by any of them.

Renewal

(5) A certificate of intercorporate exemption shall be renew by the Minister upon his being satisfied that the corporatic named therein continue to be affiliated to the holder of the c tificate.

Cancellation, etc., of certificate

(6) Subject to section 23, the Minister may amend or cance certificate of intercorporate exemption where the Minister, reasonable grounds, believes that a corporation named in t certificate is not affiliated to the holder of the certificate.

Idem

(7) Subject to section 23, the Minister may suspend or canc certificate of intercorporate exemption,

(*a*) where the conduct of the holder thereof, of an affiliat corporation named therein, or of its officers or dir tors, or where the holder is a corporation, of its offic or directors, affords reasonable grounds for believi that the transportation service will not be operated accordance with the law and with honesty and int rity; or

(*b*) where the holder thereof, or any person under its c trol or direction or of an affiliated corporation nam therein or any person under its control or direct contravenes this Act or the regulations or the *High Traffic Act* or the regulations thereunder or the term the certificate and such contravention affords reas able grounds for believing that the transportation s vices permitted by the certificate will not be carried in accordance with the law.

R.S.O. 1980, c. 198

Affiliated corporations

(8) A corporation shall be deemed to be an affiliate of anot corporation if one of them is the subsidiary of the other or if b are subsidiaries of the same corporation or if each of then controlled by the same person or corporation.

(9) A corporation shall be deemed to be controlled by another person or corporation or by two or more corporations if, Control of corporation

(*a*) voting securities of the first-mentioned corporation carrying more than 90 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of the other person or corporation or by or for the benefit of the other corporations; and

(*b*) the votes carried by such securities are entitled, if exercised, to elect all members of the board of directors of the first-mentioned corporation.

(10) A corporation shall be deemed to be a subsidiary of another corporation if, Subsidiary corporation

(*a*) it is controlled by,

(i) the other corporation,

(ii) the other corporation and one or more corporations each of which is controlled by that other corporation, or

(iii) two or more corporations each of which is controlled by the other corporation; or

(*b*) it is a subsidiary of a corporation that is the other corporation's subsidiary.

4*b*.—(1) Where a certificate of intercorporate exemption has been issued the holder thereof shall notify the Minister within six days after any change in ownership of the affiliated corporation or corporations that would affect his eligibility to hold the certificate or of the corporation or corporations to be named thereon. Notification of change

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than $500 and not more than $5,000. Offence

4. Section 6 of the said Act is amended by adding thereto the following subsections: s. 6, amended

(8) Every operating licence issued by the Minister under this section, every certificate issued by the Board under section 7 and every certificate issued before the 17th day of October, 1955, by the Ontario Municipal Board under this Act that authorizes the transportation of, Effect of operating licence

(*a*) milk from a specific farm or from specific farms, c which the milk is the product, to a specific destinatio point; or

(*b*) milk and cream for The Ontario Milk Marketin Board,

shall be deemed to authorize the transportation of milk a directed by The Ontario Milk Marketing Board and, no withstanding any terms of the licence or certificate, shall n apply to authorize the transportation of milk from a specific far or farms to a specific destination point or the transportation cream for The Ontario Milk Marketing Board.

Idem

(9) Every operating licence authorizes the holder thereof transport bulk fertilizer to or from any point within Ontar during the months of April, May and June in a commerci vehicle, that is not a tank truck or tank trailer, bearing a licen plate issued to him.

Interpretation R.S.O. 1980, c. 266

(10) In subsection (8), milk means milk as defined in t *Milk Act*.

s. 7 (4), enacted

5. Subsection 7 (4) of the said Act is repealed and the followi substituted therefor:

Meaning of public necessity and convenience for purposes of subs. (1)

(4) Where the application referred to in subsection (1) is for operating licence for only the transportation of goods through t Province of Ontario, public necessity and convenience shall deemed to have been established for the purpose of that subse tion upon the applicant filing with the Board evidence satisfa tory to the Board that the applicant holds appropriate operati licences issued by the jurisdictions where the transportation the applicant will originate and terminate.

s. 10*a*, enacted

6. The said Act is further amended by adding thereto the followi section:

10*a*.—(1) The Minister may at any time refer an operati licence to the Board where, in the opinion of the Minister, a part is ambiguous or the rights granted by the licence are unce tain and the Board may, after a hearing of the reference required by the *Ontario Highway Transport Board Act*, amer the certificate pursuant to which the licence was issued to resol any ambiguity or uncertainty or where the licence has be issued pursuant to more than one certificate, issue a new certi cate as set out in subsection (2), and the licence shall be amend accordingly, effective on the fifth day after the day notice of t amendment is mailed by registered mail addressed to the licen at his last known address.

R.S.O. 1980, c. 338

(2) Where a licence to which subsection (1) applies has been issued pursuant to more than one certificate, the Board may, when it considers the combined effect of the certificates to result in ambiguity or uncertainty, issue a certificate consolidating all the related certificates and incorporating such amendments as the Board considers necessary to resolve any ambiguity or uncertainty. Idem

7. Subsection 14 (2) of the said Act is repealed and the following substituted therefor: s. 14 (2), re-enacted

(2) Except as provided in the regulations, the holder of an operating licence is not entitled to hold more vehicle licences than he has commercial vehicles registered in his name or leased in accordance with this Act and the regulations. Limit on vehicle licences

8. Subsection 15 (2) of the said Act is repealed and the following substituted therefor: s. 15 (2), re-enacted

(2) A vehicle licence expires at the end of the last day of the period for which it was issued or, where the period is extended by regulation, on the last day of the extended period. Expiry of vehicle licence

9.—(1) Subsection 23 (1) of the said Act is amended by adding thereto the following clause: s. 23 (1), amended

(*aa*) to amend, suspend or cancel a certificate of intercorporate exemption.

(2) The said subsection 23 (1) is further amended by inserting after "licensee" in the ninth line "or holder of a certificate of intercorporate exemption". s. 23 (1), amended

(3) Clause 23 (2) (*a*) of the said Act is repealed and the following substituted therefor: s. 23 (2) (*a*), re-enacted

(*a*) does not give notice in accordance with subsection (1) requiring a hearing by the Board, the Minister may forthwith carry out his proposal; or

. . . . .

(4) Subsection 23 (8) of the said Act is repealed and the following substituted therefor: s. 23 (8), re-enacted

(8) The Board shall, after a hearing under this section, make a report to the Minister, which shall set out its findings of fact and conclusions of law and its recommendations as to the issuance, amendment, suspension or cancellation of the licence or certificate of intercorporate exemption to which it relates. Report to Minister

s. 23, amended

(5) The said section 23 is amended by adding thereto the following subsection:

Interpretation

(10) In this section "licensee" includes a holder of a certificate of intercorporate exemption.

s. 27 (4), amended

10. Subsection 27 (4) of the said Act is amended by adding at the beginning thereof "Except as provided in the regulations".

s. 31*a*, enacted

11. The said Act is further amended by adding thereto the following section:

Certificate and documents to be carried

31*a*. Every driver of a commercial vehicle that is being operated under a certificate of intercorporate exemption shall carry or keep in a readily accessible place in the vehicle,

(*a*) the certificate or a copy thereof; and

(*b*) a shipping document signed by the consignor showing the name of the consignor, the name and address of the consignee, the originating point and destination of the shipment and the particulars of the goods comprising the shipment,

and shall produce them on the demand of a member of the Ontario Provincial Police Force or an officer of the Ministry.

s. 32 (3), amended

12. Subsection 32 (3) of the said Act is amended by adding thereto the following clause:

(*ba*) a copy of the certificate of intercorporate exemption.

s. 33 (1), amended

13.—(1) Subsection 33 (1) of the said Act is amended by inserting after "forwarder" in the fifth line "or the holder of a certificate of intercorporate exemption or of an affiliated corporation named in such certificate relating to the transportation of goods for compensation".

s. 33 (6), re-enacted

(2) Subsection 33 (6) of the said Act is repealed and the following substituted therefor:

Removal of documents

(6) Any person conducting an examination or investigation under section 32 or under this section may,

(*a*) in the case of an examination under section 32, make a copy of any document produced or obtained; or

(*b*) in the case of an examination or investigation under this section, upon giving a receipt therefor, remove any

thing that may be examined under subsection 33 (1), clause 33 (3) (*a*) or subsection 33 (5) for the purpose of making copies thereof,

but the copying shall be made with dispatch and the thing copied shall be promptly returned.

(3) Subsection 33 (7) of the said Act is amended by inserting after "the" where it occurs the second time in the second line "examination or". s. 33 (7), amended

14. The said Act is further amended by adding thereto the following section: s. 35*a*, enacted

35*a*. The holder of an operating licence may be charged with and convicted of an offence under this Act or the regulations for which the driver of his public commercial vehicle is subject to be charged and on conviction the said holder is liable to the penalty prescribed for the offence. Licence holder liable for penalties

15.—(1) Subsection 37 (1) of the said Act is amended by adding thereto the following paragraph: s. 37 (1), amended

4*a*. prescribing or extending the period of time during which vehicle licences shall be in force.

(2) Paragraph 15 of the said subsection 37 (1) is repealed and the following substituted therefor: s. 37 (1), par. 15, re-enacted

15. providing for the holding of more vehicle licences by the holder of any class of operating licence than the licensee has commercial vehicles registered in his name or leased in accordance with this Act and the regulations and prescribing terms and conditions with respect thereto.

(3) The said subsection 37 (1) is further amended by adding thereto the following paragraphs: s. 37 (1), amended

29. prescribing the forms of certificates of intercorporate exemption and of applications related thereto;

30. governing the issue and renewal of certificates of intercorporate exemption and prescribing terms to which the certificates shall be subject;

31. prescribing the period of time during which certificates of intercorporate exemption shall be in force.

(4) Section 37 of the said Act is amended by adding thereto the following subsection: s. 37, amended

Exempting regulations

(3) Where this Act imposes a requirement concerning the issuing, carrying, producing or retaining of any information in a written form, the Lieutenant Governor in Council may make regulations exempting any person or class of persons from any such requirement and prescribing the procedure to be followed to qualify for an exemption.

Commencement

16.—(1) This Act, except section 1, subsection 2 (2), sections 3, 9, 11 and 12, and subsections 13 (1) and 15 (3), comes into force on the day it receives Royal Assent.

Idem

(2) Section 1, subsection 2 (2), sections 3, 9, 11 and 12, and subsections 13 (1) and 15 (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

17. The short title of this Act is the *Public Commercial Vehicle Amendment Act, 1981*.

An Act to amend the
Public Commercial Vehicles Act

1st Reading

October 29th, 1981

2nd Reading

November 17th, 1981

3rd Reading

December 18th, 1981

THE HON. J. W. SNOW
Minister of Tranportation and
Communications

BILL 161 Private Member's Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to proclaim Arbour Day

Mr. Kennedy

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The Bill proclaims the observance of Arbour Day and sets out the objects of its observation.

BILL 161 1981

An Act to proclaim Arbour Day

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The last Friday in April of each year shall be observed under the name of Arbour Day for the purpose of encouraging, Arbour Day proclaimed

(*a*) the beautification of Ontario by the use of trees;

(*b*) the landscaping, painting and cleaning of industrial plants, public institutions and private homes;

(*c*) the appreciation of the beauty and use of trees;

(*d*) the stimulation of interest in and knowledge of trees; and

(*e*) the planting, preservation and conservation of trees.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Arbour Day Act, 1981*. Short title

An Act to proclaim Arbour Day

1st Reading

October 29th, 1981

2nd Reading

3rd Reading

MR. KENNEDY

(*Private Member's Bill*)

1981

BILL 162 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Ministry of Consumer and Commercial Relations Act

The Hon. G. W. Walker
Minister of Consumer and Commercial Relations

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The purpose of the new provision is to provide authority for the Minister and the Deputy Minister to delegate certain powers or duties under the Act to specified persons.

BILL 162 1981

An Act to amend the Ministry of Consumer and Commercial Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 6*a*, enacted

1. The *Ministry of Consumer and Commercial Relations Act,* being chapter 274 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Delegation of Minister's powers

6*a*.—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may delegate in writing that power or duty to the Deputy Minister or to any officer or officers of the Ministry, subject to such restrictions, conditions and requirements as the Minister may set out in his delegation.

Delegation of Deputy Minister's powers

(2) Where, under this or any other Act, a power or duty is granted to or vested in the Deputy Minister, he may delegate, in writing and with the concurrence of the Minister, that power or duty to any officer or officers of the Ministry, subject to such restrictions, conditions and requirements as the Minister may set out in his concurrence.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Ministry of Consumer and Commercial Relations Amendment Act, 1981.*

An Act to amend the
Ministry of Consumer and Commercial
Relations Act

1st Reading

November 3rd, 1981

2nd Reading

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

(*Government Bill*)

BILL 162

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Ministry of Consumer and Commercial Relations Act

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 162 1981

An Act to amend the Ministry of Consumer and Commercial Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 6a, enacted

1. The *Ministry of Consumer and Commercial Relations Act,* being chapter 274 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Delegation of Minister's powers

6a.—(1) Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may delegate in writing that power or duty to the Deputy Minister or to any officer or officers of the Ministry, subject to such restrictions, conditions and requirements as the Minister may set out in his delegation.

Delegation of Deputy Minister's powers

(2) Where, under this or any other Act, a power or duty is granted to or vested in the Deputy Minister, he may delegate, in writing and with the concurrence of the Minister, that power or duty to any officer or officers of the Ministry, subject to such restrictions, conditions and requirements as the Minister may set out in his concurrence.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Ministry of Consumer and Commercial Relations Amendment Act, 1981.*

An Act to amend the
Ministry of Consumer and Commercial
Relations Act

1st Reading

November 3rd, 1981

2nd Reading

December 7th, 1981

3rd Reading

December 10th, 1981

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

1981

BILL 163 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Personal Property Security Act

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. Recent decisions of the Supreme Court of Ontario have held that the *Personal Property Security Act* applies to a lease of real property and to the unpaid balance of a mortgage or charge of real property. The registration of such interests is already provided for in the *Registry Act* and the *Land Titles Act*. As a result of the decisions of the Court, it would appear that it is now necessary to search under both the *Personal Property Security Act* and the appropriate land registration Act before dealing with such interests and that it is necessary to register under both the *Personal Property Security Act* and the appropriate land registration Act in order to protect such an interest in real property.

The proposed amendment to subsection 3 (1) clarifies that the *Personal Property Security Act* does not apply to the creation or assignment of interests in real property including mortgages, charges and leases other than fixtures or assignments of payments that do not convey or transfer the assignor's interest in the real property. As a result, it will not be necessary to search or register under the *Personal Property Security Act* when creating or assigning interests in real property.

Section 2. The proposed section 36*a* provides that a security interest of a person in payments receivable under a mortgage, charge or lease of real property is subordinate to the interests of a person who has an interest that is registered in the appropriate land registry office unless the secured party has registered his interest or a notice thereof in the proper land registry office.

ILL 163 1981

An Act to amend the Personal Property Security Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as llows:

1. Subsection 3 (1) of the *Personal Property Security Act*, being chapter 375 of the Revised Statutes of Ontario, 1980, is amended by striking out "or" at the end of clause (*c*), by adding "or" at the end of clause (*d*) and by adding thereto the following clause: s. 3 (1), amended

(*e*) to the creation or assignment of an interest in real property, including a mortgage, charge or lease of real property, other than,

(i) a fixture, or

(ii) an assignment of a right to payment under a mortgage, charge or lease where the assignment does not convey or transfer the assignor's interest in the real property.

2. The said Act is amended by adding thereto the following section: s. 36*a*, enacted

36*a*.—(1) A security interest in a right to payment under a lease of real property, to which this Act applies, is subordinate to the interest of a person who acquires for value the lessor's interest in the lease if the interest, or notice thereof, of the person is registered in the proper land registry office before the interest, or notice thereof, of the secured party is registered in the proper land registry office. Priority of security interests, rental payments

(2) A security interest in a right to payment under a mortgage or charge of real property, to which this Act applies, is subordinate to the interest of a person who acquires the mortgagee's or chargee's interest in the mortgage or charge if the interest of the person is registered in the proper land registry office before a notice of the security interest is registered in the proper land registry office. Idem, mortgage payments

Saving

3. Sections 1 and 2 do not apply so as to affect the rights acquired b any person from a judgment or order of any court prior to the da this Act comes into force or affect the outcome of any litigatio commenced on or before the 1st day of September, 1981.

s. 54 (1), re-enacted

4. Subsection 54 (1) of the said Act is repealed and the followin substituted therefor:

Fixtures, mortgages, charges

(1) A notice in the prescribed form may be registered in th proper land registry office, where,

(*a*) the collateral is or includes fixtures or goods that ma become fixtures or crops, or oil, gas or other minerals be extracted, or timber to be cut; or

(*b*) the security interest is a security interest in right payment under a mortgage or charge of real property which this Act applies.

s. 70, amended

5.—(1) Section 70 of the said Act is amended by adding thereto th following clause:

(*ka*) extending the time for registration of financing stat ments where, in the opinion of the Lieutenant Gove nor in Council, registration within the time prescrib by this Act is impracticable because of a general inte ruption in mail service.

s. 70 (2), enacted

(2) The said section 70 is further amended by adding thereto t following subsection:

Retrospective regulation

(2) A regulation made under clause (1) (*ka*) may apply to t time for registration of financing statements that relate to secu ity agreements that were entered into before the regulation com into force and notwithstanding that the time for their registrati has expired.

Extension of time R.S.O. 1980, c. 375

6. Notwithstanding subsection 47 (3) of the *Personal Proper Security Act,* the time for registration of a financing statement th relates to a security agreement entered into on or after the 19th d of June, 1981 and on or before the 10th day of August, 1981 extended to the 9th day of September, 1981.

Commencement

7.—(1) This Act, except sections 1, 2 and 6, comes into force on t day it receives Royal Assent.

Idem

(2) Sections 1 and 2 shall be deemed to have come into force the 1st day of April, 1976.

Idem

(3) Section 6 shall be deemed to have come into force on the 1 day of June, 1981.

SECTION 3. Self-explanatory.

SECTION 4. At the present time, it is possible to register an assignment of a right to payment under a lease, or a notice thereof, in the appropriate land registry office. However, it is not possible to register a notice of a security interest in a right to payment under a mortgage or charge. The proposed re-enactment of subsection 54 (1) will permit the registration of such notices.

SECTION 5. The proposed amendments will permit the making of regulations to preserve the registration of financing statements that cannot be effected because of general interruptions in mail service.

SECTION 6. The purpose of this section is to preserve the registration of financing statements that could not be effected because of the recent postal strike.

8. The short title of this Act is the *Personal Property Security Amendment Act, 1981*. Short title

An Act to amend the
Personal Property Security Act

1st Reading

November 3rd, 1981

2nd Reading

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

(*Government Bill*)

1981

BILL 163 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Personal Property Security Act

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. Recent decisions of the Supreme Court of Ontario have held that the *Personal Property Security Act* applies to a lease of real property and to the unpaid balance of a mortgage or charge of real property. The registration of such interests is already provided for in the *Registry Act* and the *Land Titles Act*. As a result of the decisions of the Court, it would appear that it is now necessary to search under both the *Personal Property Security Act* and the appropriate land registration Act before dealing with such interests and that it is necessary to register under both the *Personal Property Security Act* and the appropriate land registration Act in order to protect such an interest in real property.

The proposed amendment to subsection 3 (1) clarifies that the *Personal Property Security Act* does not apply to the creation or assignment of interests in real property including mortgages, charges and leases other than fixtures or assignments of payments that do not convey or transfer the assignor's interest in the real property. As a result, it will not be necessary to search or register under the *Personal Property Security Act* when creating or assigning interests in real property.

Section 2. The proposed section 36*a* provides that a security interest of a person in payments receivable under a mortgage, charge or lease of real property is subordinate to the interests of a person who has an interest that is registered in the appropriate land registry office unless the secured party has registered his interest or a notice thereof in the proper land registry office.

BILL 163 1981

An Act to amend the Personal Property Security Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (1) of the *Personal Property Security Act*, being chapter 375 of the Revised Statutes of Ontario, 1980, is amended by striking out "or" at the end of clause (*c*), by adding "or" at the end of clause (*d*) and by adding thereto the following clause: s. 3 (1), amended

(*e*) to the creation or assignment of an interest in real property, including a mortgage, charge or lease of real property, other than,

(i) a fixture, or

(ii) an assignment of a right to payment under a mortgage, charge or lease where the assignment does not convey or transfer the assignor's interest in the real property.

2. The said Act is amended by adding thereto the following section: s. 36*a*, enacted

36*a*.—(1) A security interest in a right to payment under a lease of real property, to which this Act applies, is subordinate to the interest of a person who acquires for value the lessor's interest in the lease if the interest, or notice thereof, of the person is registered in the proper land registry office before the interest, or notice thereof, of the secured party is registered in the proper land registry office. Priority of security interests, rental payments

(2) A security interest in a right to payment under a mortgage or charge of real property, to which this Act applies, is subordinate to the interest of a person who acquires the mortgagee's or chargee's interest in the mortgage or charge if the interest of the person is registered in the proper land registry office before a notice of the security interest is registered in the proper land registry office. Idem, mortgage payments

Saving

3. Sections 1 and 2 do not apply so as to affect rights that have been determined by a judgment or order of any court given or made prior to the day this section comes into force.

s. 54 (1), re-enacted

4. Subsection 54 (1) of the said Act is repealed and the following substituted therefor:

Fixtures, mortgages, charges

(1) A notice in the prescribed form may be registered in the proper land registry office, where,

(*a*) the collateral is or includes fixtures or goods that may become fixtures or crops, or oil, gas or other minerals to be extracted, or timber to be cut; or

(*b*) the security interest is a security interest in a right to payment under a mortgage or charge of real property to which this Act applies.

s. 70, amended

5.—(1) Section 70 of the said Act is amended by adding thereto the following clause:

(*ka*) extending the time for registration of financing statements where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.

s. 70 (2), enacted

(2) The said section 70 is further amended by adding thereto the following subsection:

Retrospective regulation

(2) A regulation made under clause (1) (*ka*) may apply to the time for registration of financing statements that relate to security agreements that were entered into before the regulation came into force and notwithstanding that the time for their registration has expired.

Extension of time R.S.O. 1980, c. 375

6. Notwithstanding subsection 47 (3) of the *Personal Property Security Act*, the time for registration of a financing statement that relates to a security agreement entered into on or after the 19th day of June, 1981 and on or before the 10th day of August, 1981 is extended to the 9th day of September, 1981.

Commencement

7.—(1) This Act, except sections 1, 2 and 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 and 2 shall be deemed to have come into force on the 1st day of April, 1976.

Idem

(3) Section 6 shall be deemed to have come into force on the 19th day of June, 1981.

SECTION 3. Self-explanatory.

SECTION 4. At the present time, it is possible to register an assignment of a right to payment under a lease, or a notice thereof, in the appropriate land registry office. However, it is not possible to register a notice of a security interest in a right to payment under a mortgage or charge. The proposed re-enactment of subsection 54 (1) will permit the registration of such notices.

SECTION 5. The proposed amendments will permit the making of regulations to preserve the registration of financing statements that cannot be effected because of general interruptions in mail service.

SECTION 6. The purpose of this section is to preserve the registration of financing statements that could not be effected because of the recent postal strike.

8. The short title of this Act is the *Personal Property Security Amendment Act, 1981*. Short title

An Act to amend the
Personal Property Security Act

1st Reading

November 3rd, 1981

2nd Reading

December 8th, 1981

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

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*(Reprinted as amended by the
Committee of the Whole House)*

BILL 163

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Personal Property Security Act

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 163 1981

An Act to amend the Personal Property Security Act

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(*e*) to the creation or assignment of an interest in real property, including a mortgage, charge or lease of real property, other than,

(i) a fixture, or

(ii) an assignment of a right to payment under a mortgage, charge or lease where the assignment does not convey or transfer the assignor's interest in the real property.

2. The said Act is amended by adding thereto the following section: s. 36*a*, enacted

36*a*.—(1) A security interest in a right to payment under a lease of real property, to which this Act applies, is subordinate to the interest of a person who acquires for value the lessor's interest in the lease if the interest, or notice thereof, of the person is registered in the proper land registry office before the interest, or notice thereof, of the secured party is registered in the proper land registry office. Priority of security interests, rental payments

(2) A security interest in a right to payment under a mortgage or charge of real property, to which this Act applies, is subordinate to the interest of a person who acquires the mortgagee's or chargee's interest in the mortgage or charge if the interest of the person is registered in the proper land registry office before a notice of the security interest is registered in the proper land registry office. Idem, mortgage payments

Saving

3. Sections 1 and 2 do not apply so as to affect rights that have bee determined by a judgment or order of any court given or made prio to the day this section comes into force.

s. 54 (1), re-enacted

4. Subsection 54 (1) of the said Act is repealed and the followin substituted therefor:

Fixtures, mortgages, charges

(1) A notice in the prescribed form may be registered in th proper land registry office, where,

(*a*) the collateral is or includes fixtures or goods that ma become fixtures or crops, or oil, gas or other minerals t be extracted, or timber to be cut; or

(*b*) the security interest is a security interest in a right t payment under a mortgage or charge of real property t which this Act applies.

s. 70, amended

5.—(1) Section 70 of the said Act is amended by adding thereto th following clause:

(*ka*) extending the time for registration of financing state ments where, in the opinion of the Lieutenant Gove nor in Council, registration within the time prescribe by this Act is impracticable because of a general inte ruption in mail service.

s. 70 (2), enacted

(2) The said section 70 is further amended by adding thereto th following subsection:

Retrospective regulation

(2) A regulation made under clause (1) (*ka*) may apply to th time for registration of financing statements that relate to secu ity agreements that were entered into before the regulation come into force and notwithstanding that the time for their registratio has expired.

Extension of time R.S.O. 1980, c. 375

6. Notwithstanding subsection 47 (3) of the *Personal Propert Security Act,* the time for registration of a financing statement tha relates to a security agreement entered into on or after the 19th da of June, 1981 and on or before the 10th day of August, 1981 extended to the 9th day of September, 1981.

Commencement

7.—(1) This Act, except sections 1, 2 and 6, comes into force on th day it receives Royal Assent.

Idem

(2) Sections 1 and 2 shall be deemed to have come into force o the 1st day of April, 1976.

Idem

(3) Section 6 shall be deemed to have come into force on the 19t day of June, 1981.

8. The short title of this Act is the *Personal Property Security Amendment Act, 1981*. Short title

An Act to amend the
Personal Property Security Act

1st Reading

November 3rd, 1981

2nd Reading

December 8th, 1981

3rd Reading

December 10th, 1981

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

1981

BILL 164 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Education Act

The Hon. B. M. Stephenson
Minister of Education and Minister of Colleges and Universities

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Notes

Section 1.—Subsection 1. "Band" and "council of the band" are defined in the Act for the first time since reference is now made to them in connection with agreements for the education of Indian pupils.

"Continuing education class" is defined. This is complementary to other amendments in the Bill that change "evening classes" to "continuing education classes".

The definition of "credit" has been used for several years in regulations made under the Act and is now being included in the Act for convenience of reference.

A definition of "education authority" is required because of the use of this term in the Act.

The definition of "Indian" has been removed from subsection 11 (2) of the Act and now appears in the interpretation section.

Subsection 2. Paragraph 66 of subsection 1 (1) of the Act now reads as follows:

BILL 164 1981

An Act to amend the Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraphs: s. 1 (1), amended

2*a*. "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1970, c. I-6

. . . . .

6*a*. "continuing education class" means a class that is provided by a board for those persons who are entitled to enrol in such class under subsection 42 (5) and that is not part of the day school program that a board is required to provide under paragraph 6 of section 149 and is not a summer school for pupils;

. . . . .

10*a*. "credit" means recognition granted to a pupil by a principal as *prima facie* evidence that the pupil has successfully completed a quantity of work that,

i. has been specified by the principal in accordance with the requirements of the Minister, and

ii. is acceptable to the Minister as partial fulfilment of the requirements for the Secondary School Graduation Diploma or the Secondary School Honour Graduation Diploma, as the case may be;

. . . . .

19*a*. "education authority" means a corporation that is incorporated by two or more bands or councils of bands for the purpose of providing for the educational needs of the members of such bands;

. . . . .

R.S.C. 1970, c. I-6

23*a*. "Indian" has the same meaning as in the *Indian Act* (Canada).

s. 1 (1), par. 66, amended

(2) Paragraph 66 of the said subsection 1 (1) is amended by inserting after "qualification" in the second line "or a letter of standing".

s. 2, amended

2. Section 2 of the said Act is amended by adding thereto the following subsections:

Delegation of powers and duties

(4) The Minister may authorize the Deputy Minister or any other officer or employee in the Ministry to exercise any power or perform any duty that is granted to or vested in the Minister under this or any other Act.

Limitations

(5) The Minister may limit an authorization made under subsection (4) in such manner as he considers advisable.

Application of R.S.O. 1980, c. 147, s. 6

(6) Section 6 of the *Executive Council Act* does not apply to a deed or contract that is executed under an authorization made under subsection (4).

s. 8 (1) (*i*), re-enacted

3.—(1) Clause 8 (1) (*i*) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 539

(*i*) prescribe the conditions under which and the terms upon which pupils of boards shall be deemed to be employees for the purpose of coverage under the *Workmen's Compensation Act*, deem pupils to be employees for such purpose and require a board to reimburse Ontario for payments made by Ontario under that Act in respect of a pupil of the board deemed to be an employee of Ontario by the Minister.

s. 8 (1) (*m*), amended

(2) Clause 8 (1) (*m*) of the said Act is amended by striking out "interim, temporary, permanent, special or other" in the first and second lines.

s. 8 (1) (*p*), amended

(3) Clause 8 (1) (*p*) of the said Act is amended by striking out "and supervisory officers" in the second line and inserting in lieu thereof "supervisory officers, attendance counsellors and native counsellors and grant certificates in respect of the successful completion of such courses".

1.—(1) In this Act and the regulations, except where otherwise provided in the Act or regulations,

. . . . . .

66. "teacher" means a person who holds a valid certificate of qualification as a teacher in an elementary or a secondary school in Ontario.

The amendment includes in the definition of teacher a person who holds a letter of standing. Such a person is always intended to be included when a teacher is spoken of in the Act and the regulations.

SECTION 2. The amendment authorizes the Minister to delegate powers and duties to the Deputy Minister or to any officer in the Ministry of Education and provides that a contract entered into under such delegated authority is binding on the Crown.

SECTION 3.—Subsection 1. Clause 8 (1) (*i*) of the Act now reads as follows:

8.—(1) The Minister may,

. . . . . .

(i) grant a letter of standing to a person who is a qualified teacher in a jurisdiction outside Ontario and who holds academic and professional qualifications equivalent to those required in Ontario at the time of the issuing of the letter of standing.

The purpose of the amendment is to permit the Minister to deem pupils of boards on co-operative education or work experience programs to be employees of Ontario to enable them to be eligible for compensation under the *Workmen's Compensation Act*.

The present clause (*i*) is repealed as the granting of letters of standing is dealt with by the regulations.

Subsection 2. Clause 8 (1) (*m*) of the Act now reads as follows:

8.—(1) The Minister may,

. . . . . .

(m) suspend or cancel and reinstate any interim, temporary, permanent, special or other certificate of qualification or letter of standing.

The words being deleted by the amendment are made unnecessary by the new Ontario Teacher's Qualifications Regulation.

Subsection 3. Clause 8 (1) (*p*) of the Act now reads as follows:

8.—(1) The Minister may,

. . . . . .

(p) provide or approve and review courses for teachers, principals and supervisory officers.

The purpose of the amendment is to authorize the Minister to provide or approve courses for attendance counsellors and native counsellors and to grant certificates to such persons.

Subsection 4. Clause 8 (1) (*r*) of the Act now reads as follows:

8.—(1) The Minister may,

. . . . . .

(r) provide for, and prescribe the conditions of, the granting of scholarships, bursaries and awards to pupils.

The amendment authorizes the Minister to provide for and prescribe the conditions of the granting of bursaries to teachers.

SECTION 4.—Subsection 1. The amendment changes "evening classes" to "continuing education classes" and permits regulations to be made that establish, for certain continuing education classes, requirements that differ from those that pertain to day school classes.

Subsection 2. Paragraph 11 of subsection 10 (1) of the Act now reads as follows:

10.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations in respect of schools or classes established under this Act, or any predecessor of this Act, and with respect to all other schools supported in whole or in part by public money,

. . . . . .

11. governing the granting, suspending and cancelling of permanent, temporary, interim, special and other certificates of qualification, and letters of standing.

The words being deleted by the amendment are made unnecessary by the new Ontario Teacher's Qualifications Regulation.

Subsection 3. The new paragraph 11*a* authorizes the making of regulations to provide for the issuing of the teacher's qualifications record cards and governing the qualifications that may be recorded thereon.

Subsection 4. Paragraph 24 of subsection 10 (1) of the Act now reads as follows:

10.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations in respect of schools or classes established under this Act, or any predecessor of this Act, and with respect to all other schools supported in whole or in part by public money,

. . . . . .

24. prescribing the powers, duties and qualifications, and governing the appointment of, teachers, supervisors, directors, supervisory officers, heads of departments, principals, superintendents, bursars, matrons, school attendance counsellors and other officials.

The purpose of the amendment is to update present terminology. The only bursars in the present system are employed in the Ontario Schools for the Blind and the Ontario Schools for the Deaf and these persons are now called business administrators. The persons formerly known as matrons in the same schools are now referred to as residence counsellors.

Subsection 5. Under the powers of a board to provide educational programs and activities, a board may have the power to engage in programs and activities that are, or may be, in competition with the private sector. The new paragraph 33 of subsection 10 (1) will enable regulations to be made to regulate and control or, where appropriate, to prohibit a board from engaging in such programs and activities.

(4) Clause 8 (1) (*r*) of the said Act is amended by adding at the end thereof "and the granting of bursaries to teachers". s. 8 (1) (*r*), amended

4.—(1) Paragraph 7 of subsection 10 (1) of the said Act is repealed and the following substituted therefor: s. 10 (1), par. 7, re-enacted

7. governing continuing education classes and providing that any such class or category thereof may be conducted and provided in a manner that differs from the requirements under the Act or the regulations for a day school program that a board is required to provide under paragraph 6 of section 149. continuing education classes

(2) Paragraph 11 of the said subsection 10 (1) is amended by striking out "permanent, temporary, interim, special and other" in the second line. s. 10 (1), par. 11, amended

(3) The said subsection 10 (1) is amended by adding thereto the following paragraph: s. 10 (1), amended

11*a*. providing for the issuing of teacher's qualifications record cards and governing the professional qualifications that may be recorded on such record cards. teacher's qualifications record cards

(4) Paragraph 24 of the said subsection 10 (1) is amended by striking out "bursars, matrons" in the fourth line and inserting in lieu thereof "residence counsellors". s. 10 (1), par. 24, amended

(5) The said subsection 10 (1) is amended by adding thereto the following paragraph: s. 10 (1), amended

33. Notwithstanding paragraph 26 of subsection 150 (1), prohibiting or regulating and controlling any program or activity of a board that is or may be in competition with any business or occupation in the private sector and providing that such regulations have general application or application to a particular board. competition with private sector

(6) Clause 10 (8) (*b*) is amended by striking out "and letters of standing" in the second and third lines and inserting in lieu thereof "letters of standing and Ontario Teacher's Qualifications Record Cards". s. 10 (8) (*b*), amended

5.—(1) Subsection 11 (2) of the said Act is amended by striking out "as defined in that Act" in the fifth line. s. 11 (2), amended

(2) Section 11 of the said Act is amended by adding thereto the following subsection: s. 11, amended

Non-Indian pupils at Indian schools

(2*a*) The Crown in right of Ontario, represented by the Minister, may enter into an agreement with a band, the council of the band or an education authority where such band, council of the band or education authority is authorized by the Crown in right of Canada to provide education for Indians, for the admission of pupils who are not Indians to a school operated by the band, council of the band or education authority.

s. 12 (6) (*g*), amended

6. Clause 12 (6) (*g*) of the said Act is amended by striking out "bursar" in the second line and inserting in lieu thereof "business administrator".

s. 29 (2), amended

7. Subsection 29 (2) of the said Act is amended by inserting after "may" in the first line "in addition to or".

s. 30 (1), amended

8. Subsection 30 (1) of the said Act is amended by adding at the end thereof "or the Unified Family Court".

s. 31 (2), amended

9. Subsection 31 (2) of the said Act is amended by inserting after "Part" in the first line "except subsection 48 (6)".

s. 40 (1) (*c*), amended

10. Clause 40 (1) (*c*) of the said Act is amended by inserting after "course" in the seventh line "or College of Applied Arts and Technology".

s. 42 (5), amended

11. Subsection 42 (5) of the said Act is amended by striking out "an evening" in the second line and inserting in lieu thereof "a continuing education".

s. 48, amended

12. Section 48 of the said Act is amended by adding thereto the following subsection:

Fees for pupils

1976-77, c. 52 (Can.)

(6) Notwithstanding any other provision of this Act, where a board admits to a school that it operates, a person who is in Canada as a student under the *Immigration Act, 1976* (Canada), except,

(*a*) a participant in an educational exchange program under which a pupil of the board attends without fee a school outside Canada; or

(*b*) a pupil who enrolls in an elementary school or a secondary school prior to the 1st day of July, 1982,

the board shall charge the person the maximum fee calculated in accordance with the regulations.

s. 52 (3), amended

13. Subsection 52 (3) of the said Act is amended by adding at the end thereof "unless and until it becomes or is included in a municipality".

Subsection 6. Clause 10 (8) (*b*) of the Act now reads as follows:

(8) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

. . . . .

(b) prescribing the fee to be paid to the Ministry for duplicates of certificates of qualification and letters of standing.

The amendment permits regulations to be made prescribing the fee to be paid for duplicates of Ontario Teacher's Qualifications Record Cards.

SECTION 5.—Subsection 1. Subsection 11 (2) of the Act now reads as follows:

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the administration of the Indian Act (Canada), for the admission of pupils, other than Indians as defined in that Act, to schools for Indians operated under that Act.

This amendment is complementary to subsection 1 (1) of the Bill.

Subsection 2. The new subsection (*2a*) permits Ontario to enter into an agreement with a band, council of the band or an education authority for the education of non-Indian pupils in schools operated by such band, the council of the band or education authority.

SECTION 6. Clause 12 (6) (*g*) of the Act now reads as follows:

(6) Subject to the approval of the Lieutenant Governor in Council, the Minister may, in addition to his powers under section 10, make regulations with respect to schools continued or established under this section,

. . . . .

(g) requiring a parent or guardian to deposit a sum of money with the bursar of a school for the purpose of defraying the personal incidental expenses of a pupil, and fixing the amount of the deposit.

The purpose of the amendment is to refer to the person formerly known as the bursar of an Ontario School for the Blind or an Ontario School for the Deaf as the business administrator.

SECTION 7. The amendment permits a judge to require a bond in addition to a fine for neglecting or refusing to cause a child to attend school. The original subsection provides that a bond can be imposed only in lieu of a fine.

SECTION 8. Subsection 30 (1) of the Act now reads as follows:

(1) Prosecutions under section 29 shall be instituted by the school attendance counsellor concerned and prosecutions under subsection 29 (1) shall be instituted in the Provincial Court (Family Division).

The amendment permits prosecutions under subsection 29 (1) to be instituted in the Unified Family Court where such a court has been established.

SECTION 9. This amendment is complementary to the amendment to section 48 of the Act. (See section 12 of the Bill).

SECTION 10. The purpose of the amendment is to ensure that where a College of Applied Arts and Technology requires a certain course of study as a prerequisite, a student may attend another secondary school other than the one at which he is qualified to be a resident pupil in order to obtain credit for that course where the course is not offered at his own school.

SECTION 11. Subsection 42 (5) of the Act now reads as follows:

(5) A person is entitled to enrol in a course of study in an evening class if, in the opinion of the principal after due examination or other investigation, he is considered competent to undertake the desired course, but his admission to such course does not entitle him to be admitted to a day course.

The amendment changes "evening class" to "continuing education class".

SECTION 12. The new subsection (6) requires boards to charge gross fees to all pupils on student visas except participants in certain educational exchange programs and pupils who enrol prior to the 1st day of July, 1982.

SECTION 13. The amendment makes it clear that an area that is deemed a district municipality ceases to be so deemed if it becomes part of a municipality.

14.—(1) Subsection 53 (1) of the said Act is amended by inserting after "collecting" in the seventh line "cancelling, reducing or refunding" and by striking out "11" in the thirteenth line and inserting in lieu thereof "12". s. 53 (1), amended

(2) Section 53 of the said Act is amended by adding thereto the following subsection: s. 53, amended

(2*a*) Section 362 of the *Municipal Act* applies to territory without municipal organization that is deemed a district municipality under this Act, and the divisional board has the powers of a municipal council under the said section 362 in respect of any such territory that is not attached to a municipality for school purposes, and the council of the municipality to which any such territory is attached for public school purposes and for secondary school purposes under subsection (2) has the powers of a municipal council under the said section 362 in respect of the territory so attached. Application of R.S.O. 1980, c. 302, s. 362

15. Clause 54 (1) (*c*) of the said Act is amended by striking out "school section" in the first and second lines and inserting in lieu thereof "of a school section that is included in a school division". s. 54 (1) (*c*), amended

16.—(1) Subsection 59 (23) of the said Act is amended by inserting after "may" in the eighth line "where so requested by the divisional board". s. 59 (23), amended

(2) Subsection 59 (34) is repealed. s. 59 (34), repealed

17. Subsection 61 (2) of the said Act is repealed and the following substituted therefor: s. 61 (2), re-enacted

(2) Subsection 59 (32) applies with necessary modifications to the nomination and election of candidates for members of a board of education. Qualifications for nominators of candidates

18. Subsection 62 (2) of the said Act is amended by striking out "or" at the end of clause (*c*), by adding "or" at the end of clause (*d*), and by adding thereto the following clause: s. 62 (2), amended

(*e*) detach a portion thereof from a district school area.

19. Subsection 65 (8) of the said Act is amended by inserting after "(9)" in the first line "(9*a*)". s. 65 (8), amended

20. Subsection 66 (1) of the said Act is amended by, s. 66 (1), amended

(*a*) inserting after "the" in the third line "public school";

(*b*) inserting after "the" where it occurs the first time in the seventh line "public school"; and

(*c*) inserting after "district" in the ninth line "school".

s. 68 (1), amended

21.—(1) Subsection 68 (1) of the said Act is amended by inserting after "area" in the fourth line "board".

s. 68 (2), amended

(2) Subsection 68 (2) of the said Act is amended by inserting after "area" in the first line "board".

s. 68 (3), amended

(3) Subsection 68 (3) of the said Act is amended by inserting after "area" in the fourth line "board".

s. 69 (2) (*a*), amended

22. Clause 69 (2) (*a*) of the said Act is amended by adding at the end thereof "and for the dissolution thereof".

s. 87 (1), amended

23. Subsection 87 (1) of the said Act is amended by striking out "1st day of January of the following year" in the fifteenth line and inserting in lieu thereof "1st day of December of the same year".

s. 90 (1), amended

24. Subsection 90 (1) of the said Act is amended by striking out "for a term of two years" in the third line.

s. 91 (1), amended

25.—(1) Subsection 91 (1) of the said Act is amended by striking out "for a term of two years" in the fourth line.

s. 91 (2), amended

(2) Subsection 91 (2) is amended by striking out "for a term of two years" in the fourth line.

s. 93 (1), amended

26. Subsection 93 (1) of the said Act is amended by striking out "in the same manner as municipal elections" in the second and third lines and inserting in lieu thereof "by the same officers and in the same manner as elections of members of the council of a municipality".

s. 95 (*b*), re-enacted

27. Clause 95 (*b*) of the said Act is repealed and the following substituted therefor:

(*b*) has attained the age of eighteen years or on or before polling day will attain the age of eighteen years; and

. . . . .

s. 98 (1) (*a*), (ii), re-enacted

28.—(1) Subclause 98 (1) (*a*) (ii) of the said Act is repealed and the following substituted therefor:

(ii) the approval of a site selected by the board for a new school.

s. 98, amended

(2) Section 98 of the said Act is amended by adding thereto the following subsection:

Approval of new school site

(3) No site for a new school shall be acquired by a rural separate school board without approval of the site by the majority of

SECTION 14.—Subsection 1. The amendment permits the cancellation, reduction or refund of taxes on lands in territory without municipal organization in the same way as by the council of an organized municipality and makes subsection 67 (12) of the Act apply in respect of such territory.

Subsection 2. The amendment will permit the establishment of a limitation on the increase or decrease, as the case may be, in taxes in territory without municipal organization that is deemed a district municipality, or in territory without municipal organization attached to a municipality, where the increase or decrease is caused by re-assessment.

SECTION 15. Clause 54 (1) (*c*) of the Act now reads as follows:

54.—(1) The Lieutenant Governor in Council may, by regulation,

. . . . .

(c) dissolve a board of a school division or school section.

The amendment makes it clear that the dissolution of the board of a school section under this section applies only in the case where the school section is to be included in a school division. The present provisions of sections 66 and 68 of the Act apply to other dissolutions.

SECTION 16.—Subsection 1. Subsection 59 (23) of the Act now reads as follows:

(23) The number of members to be elected in a municipality shall be elected by a general vote of the public school electors or separate school electors, as the case may be, in the municipality, provided that, where it is determined under this section that the number of members to be elected to the divisional board by the public school electors in a municipality or by the separate school electors in a municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such members by the public school electors or separate school electors, as the case may be, in each of such areas.

The amendment restricts the power of a municipal council to pass a by-law that divides a municipality into areas for the purpose of electing members to a divisional board in a case where the board has so requested.

Subsection 2. The requirements in this subsection are now dealt with in subsections 36 (3) and (4) of the *Municipal Elections Act*.

SECTION 17. This amendment is consistent with the repeal of subsection 59 (34) of the Act (see section 16 of the Bill).

SECTION 18. The amendment permits the making of a regulation to detach a portion from a district school area without adding the portion detached to or forming it into another district school area.

SECTION 19. This amendment is consistent with the amendment to section 100 of the Act (see section 29 of the Bill).

SECTION 20. Subsection 66 (1) of the Act now reads as follows:

(1) Notwithstanding section 65, before the 1st day of July in an election year, the board of a district school area may, by resolution approved at a meeting of the electors, determine that the board shall conduct the elections in the same manner as for the members of a divisional board of

education, except that the members shall be elected by a general vote of the electors of the district school area and for such purposes subsection 53 (1) applies with necessary modifications to the district area board and to the officers of such board.

The amendment corrects a reference to a district school area board referred to in subsection 62 (1) of the Act and makes it clear that the electors referred to in the subsection are public school electors.

SECTION 21. Subsections 68 (1), (2) and (3) of the Act now read as follows:

(1) Where the number of public school pupils of compulsory school age residing in a district school area is fewer than ten and the board has ceased to operate a school, the Minister may declare the district school area inactive as of the 31st day of December in any year.

(2) When a district school area is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited, and forward to the Ministry the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund.

(3) If the Minister is satisfied that the board has carried out its duties under subsection (2) he shall dissolve the board and the district school area shall cease to exist as of the date that the district school area was declared inactive under subsection (1).

The amendment to subsection 68 (1) makes it clear that it is the "board" that the Minister declares to be inactive in the circumstances described in the subsection and not the "area". The amendments to subsections 68 (2) and (3) are complementary thereto.

SECTION 22. Clause 69 (2) (*a*) of the Act now reads as follows:

(2) Where a secondary school district is established under subsection (1), the Lieutenant Governor in Council may make regulations providing for,

(a) the formation and composition of a secondary school board.

The amendment provides a method for dissolving a board established under section 69 of the Act.

SECTION 23. The amendment corrects a reference and moves the commencement date of a new combined separate school board forward one month to conform with the provisions of the *Municipal Elections Act*.

SECTION 24. The words deleted are redundant since the term of office of members of an urban separate school board are now set out in the *Municipal Elections Act*.

SECTION 25. The amendments are complementary to the amendment to subsection 90 (1) of the Act. (See section 24 of the Bill).

SECTION 26. The amendment makes the wording consistent with that of subclause 2 (*a*) (iv) of the *Municipal Elections Act*, thus ensuring that such Act governs the election of trustees of urban separate school boards.

SECTION 27. The clause, as amended, removes an inconsistency with the *Municipal Elections Act*.

the supporters of the rural separate school who are present at an annual or a special meeting of the board.

29. Section 100 of the said Act is amended by adding thereto the following subsection: s. 100, amended

(10*a*) A voter is entitled to as many votes as there are trustees to be elected, but may not give more than one vote to any one candidate. Number of votes

30. Subsection 111 (3) of the said Act is amended by striking out "The..... Roman Catholic Separate School Board" in the third and fourth lines and inserting in lieu thereof "The..... District Roman Catholic Separate School Board". s. 111 (3), amended

31.—(1) Subsection 112 (2) of the said Act is amended by inserting after "collecting" in the sixth line "cancelling, reducing or refunding" and by striking out "11" in the twelfth line and inserting in lieu thereof "12". s. 112 (2), amended

(2) Section 112 of the said Act is amended by adding thereto the following subsection: s. 112, amended

(2*a*) Section 362 of the *Municipal Act* applies to territory without municipal organization that is deemed a district municipality under subsection (1), and the district combined separate school board has the powers of a municipal council under the said section 362 in respect of any such territory. Application of R.S.O. 1980, c. 302, s. 362

32. Subsection 113 (19) of the said Act is amended by inserting after "may" in the seventh line "where so requested by the board". s. 113 (19), amended

33. Subsection 115 (3) of the said Act is repealed. s. 115 (3), repealed

34. Section 149 of the said Act is amended by adding thereto the following paragraph: s. 149, amended

18. do anything that a board is required by the Minister to do under subsection 8 (1). requirements

35.—(1) Paragraph 1 of subsection 150 (1) of the said Act is repealed and the following substituted therefor: s. 150 (1), par. 1, re-enacted

1. establish committees composed of members of the board to make recommendations to the board in respect of education, finance, personnel and property; committees

1*a*. establish committees that may include persons who are not members of the board in respect of matters other than those referred to in paragraph 1. idem

s. 150 (1), par. 31, re-enacted

(2) Paragraph 31 of the said subsection 150 (1) is repealed and th following substituted therefor:

continuing education classes

31. establish continuing education classes.

s. 152 (2) (*c*), re-enacted

36.—(1) Clause 152 (2) (*c*) of the said Act is repealed and the followin substituted therefor:

(*c*) courses of study offered in continuing educatio classes.

s. 152 (4) (*c*), re-enacted

(2) Clause 152 (4) (*c*) of the said Act is repealed and the followin substituted therefor:

(*c*) a course of study offered in continuing education cla ses,

. . . . .

s. 158, amended

37. Section 158 of the said Act is amended by adding thereto th following subsection:

Idem

(1*a*) Where a sick leave gratuity is paid upon termination employment, the number of days used to calculate the amount the gratuity ceases to stand to the credit of the employee and not available for transfer or reinstatement of credits under su section (2).

s. 164, amended

38. Section 164 of the said Act is amended by inserting after "or" in th seventh line "held".

s. 165 (1), re-enacted

39.—(1) Subsection 165 (1) of the said Act is repealed and the follov ing substituted therefor:

Agreements re education of Indian pupils

(1) A board may enter into an agreement with,

(*a*) the Crown in right of Canada; or

(*b*) a band or the council of the band or an educati authority where such band, the council of the band education authority is authorized by the Crown in rig of Canada to provide education for Indians,

to provide for Indian pupils, for the period specified in t agreement, accommodation, instruction and special services the schools of the board, and such agreement shall provide the payment by the Crown in right of Canada, the band, t council of the band or the education authority, as the case m

A person who becomes eighteen years of age between the date of enumeration and polling day may now be enumerated as a separate school elector under this section as if he was eighteen years of age on enumeration day. Heretofore, such a person could be enumerated only as a public school elector or if he was a separate school supporter as a separate school elector.

SECTION 28.—Subsection 1. Subclause 98 (1) (*a*) (ii) of the Act now reads as follows:

(a) to appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for,

. . . . . .

(ii) the selection of a new school site.

The re-enactment changes the purpose of the special meeting from the selection of a new school site to the approval of a site selected by the board for a new school. This allows the original selection to be done by the board but retains the right of the supporters to approve or not approve such selection. It also limits such approval to the selection of the site of a new school rather than to the selection of any school site that includes a site that might be used for a residence, office, parking area, garden or other purpose.

Subsection 2. The proposed new subsection re-enacts a provision that was contained in subsection 36 (1) of *The Separate Schools Act* but was omitted in the consolidation of that Act in *The Education Act, 1974*. The inclusion of this subsection is necessary to make it clear that the approval of the supporters of the site selected for a new school is necessary before the board can proceed to acquire the site.

This amendment is complementary to section 41 of the Bill.

SECTION 29. The purpose of the amendment is to clarify the voting procedures at the election of a rural separate school board.

SECTION 30. Subsections 111 (2) and (3) of the Act now read as follows:

(2) A county combined separate school board that has jurisdiction in an area that includes two or more counties, or one county and a defined city is a corporation by the name of "The ..... County Roman Catholic Separate School Board" (inserting the names of the counties, the name of the city and of the county or a name selected by the board and approved by the Minister).

(3) A district combined separate school board that has jurisdiction in the territorial districts is a corporation by the name of "The ..... Roman Catholic Separate School Board" (inserting the name of the area designated by the regulations).

The amendment makes the wording of subsection 111 (3) of the Act consistent with the wording of subsection 111 (2) of the Act.

SECTION 31.—Subsection 1. The amendment permits the cancellation, reduction or refund of taxes on lands in territory without municipal organization in the same way as may be done by the council of an organized municipality and makes subsection 67 (12) apply in respect of such territory.

Complementary to the amendment to subsection 53 (1) of the Act (see section 14 of the Bill).

Subsection 2. The amendment will permit the establishment of a limitation on the increase or decrease, as the case may be, in taxes in territory without municipal organization that is deemed a district municipality under subsection (1), where the increase or decrease is caused by re-assessment.

SECTION 32. Subsection 113 (19) of the Act now reads as follows:

(19) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the separate school electors of such board in the municipality, provided that, where the number of trustees to be elected to the board by the separate school electors in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school electors in each of such areas.

The amendment restricts the power of a municipal council to pass a by-law that divides a municipality into areas for the purpose of electing members to a county or district combined separate school board in a case where the board has so requested.

SECTION 33. This repeal is consistent with the repeal of subsection 59 (34) of the Act (see section 16 of the Bill).

SECTION 34. The amendment makes it clear that a board is required to carry out those duties imposed upon it by the Minister under section 8 of the Act.

SECTION 35.—Subsection 1. The amendment makes it clear that a board may appoint persons who are not members of the board to certain committees.

Subsection 2. The amendment changes "evening classes" to "continuing education classes".

be, of fees calculated in accordance with the regulation governing the fees payable by Canada.

Agreements re instruction in Indian schools

(1*a*) A board may enter into an agreement with,

(*a*) the Crown in right of Canada; or

(*b*) a band, the council of the band or an education authority referred to in clause (1) (*b*),

to provide for Indian pupils, for the period specified in the agreement, instruction and special services in schools provided by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, and such agreement shall provide for the payment by the Crown in right of Canada, the band, the council of the band or the education authority, as the case may be, of the full cost of the provision of the instruction and special services.

s. 165 (4), amended

(2) Subsection 165 (4) of the said Act is amended by,

(*a*) striking out "Indian" in the second line and where it occurs the first time in the third line; and

(*b*) inserting after "board" in the fifth line "or in the schools in which the board provides all the instruction".

s. 165 (5), amended

(3) Subsection 165 (5) of the said Act is amended by striking out "divisional board or a county or district combined separate school" in the second and third lines.

s. 165, amended

(4) Section 165 of the said Act is amended by adding thereto the following subsection:

When Indian school enrolment included

(6*a*) For the purpose of determining the number of Indian pupils enrolled in the schools under the jurisdiction of a board referred to in subsection (5) or (6), the number of Indian pupils in Indian schools in which the board provides all the instruction shall be included.

s. 166 (1), amended

40.—(1) Subsection 166 (1) of the said Act is amended by striking out "and to and from an activity that is part of the program of such school" in the twelfth and thirteenth lines.

s. 166, amended

(2) Section 166 of the said Act is amended by adding thereto the following subsection:

Idem

(1*a*) A board may provide for a pupil who is enrolled in a school that the board operates, transportation to and from an activity that is part of the program of such school.

s. 166 (9) (*b*), amended

(3) Clause 166 (9) (*b*) of the said Act is amended by inserting after "county" in the first line "or a regional municipality that is not in a territorial district".

s. 171 (1), amended

41.—(1) Subsection 171 (1) of the said Act is amended by striking out "Part IV as to the selection of a site by a rural separate school board, every board" in the first, second and third lines and inserting in lieu thereof "section 98 as to the approval of the site of a new school by a rural separate school board, every board may select and".

s. 171 (6), amended

(2) Subsection 171 (6) of the said Act is amended by inserting after "172" in the first line "or subsection 173 (1)".

s. 173 (1, 2), re-enacted

42.—(1) Subsections 173 (1) and (2) of the said Act are repealed and the following substituted therefor:

Acquisition of land for natural science program

(1) Where a board acquires a school site under subsection 171 (1), (2), (3) or (4) for the purpose of conducting thereon a natural science program and other out-of-classroom programs, the board shall obtain the approval of the Minister before it erects, adds to or alters buildings on or makes other improvements to the school site for such purpose.

Idem

(1*a*) A board may, with the approval of the Minister, acquire by purchase or lease for the purpose of conducting a natural science program and other out-of-classroom programs a school site in Ontario that it may not acquire under section 171, and the board shall obtain the approval of the Minister before it erects, adds to or alters buildings on or makes other improvements to the school site for such purpose.

Approval not required

(1*b*) An approval of the Minister is not required under subsection (1*a*) or (2) for normal maintenance to a building or site.

Agreement between boards

(2) Two or more boards may enter into an agreement for a period specified therein for the shared use of a school site in Ontario for conducting natural science programs and other out-of-classroom programs but, where under such agreement one of the boards may acquire or is to acquire by purchase or lease a school site for such purpose or is to erect, add to or alter a building on or make other improvements to such site, the agreement is not effective until it is approved by the Minister, and a school site situate outside the jurisdiction of the boards that are parties to the agreement shall not be acquired without the prior approval of the Minister.

s. 173 (3), amended

(2) Subsection 173 (3) of the said Act is amended by striking out "under subsection (1) or (2)" in the first line and inserting in lieu thereof "for the purpose of conducting a natural science program and other out-of-classroom programs".

SECTION 36. The amendments change "evening classes" to "continuing education classes".

SECTION 37. The amendment ensures that when a sick leave gratuity is paid, the number of days used to calculate the amount of the gratuity are written off and not available for transfer or reinstatement under subsection 158 (2) of the Act.

SECTION 38. Section 164 of the Act now reads as follows:

164. A board may enter into an agreement with the Crown in right of Canada for such periods and under such conditions as are specified in the agreement whereby the board may provide for the education of pupils who reside on land held by the Crown in right of Canada in a school or schools operated by the board on land owned by the board or by the Crown in right of Canada.

The amendment makes it clear that the school in which instruction is provided under this section may be on an Indian reserve.

SECTION 39.—Subsection 1. Subsection 165 (1) of the Act now reads as follows:

(1) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide accommodation and tuition for the maximum number of Indian pupils agreed upon, and the fees therefor shall be calculated in accordance with the regulations.

Subsection 165 (1) is re-enacted to add permission for a board to make an agreement with a band, the council of the band or education authority where such band, the council of the band or education authority has been authorized by Canada to provide education for Indians.

The new subsection (1*a*) adds a new authority permitting a board to enter into an agreement to provide instruction and services on an Indian reserve.

Subsection 2. Subsection 165 (4) of the Act now reads as follows:

(4) Where a board has entered into one or more agreements under this section, the council of the Indian band, or the councils of the Indian bands, to which the Indian pupils, or a majority of the Indian pupils, who are, pursuant to the agreement or agreements, enrolled in the schools operated by the board, belong, may, subject to subsection (5), name one person to represent on the board the interests of the Indian pupils and, where a person is so named, the board shall, subject to subsection (6), appoint the person a member of the board, and the member so appointed shall be deemed to be an elected member of the board, except that,

(a) where the agreement or agreements under this section are in respect of secondary school pupils only, the member so appointed is a trustee for secondary school purposes only and shall not vote on a motion or otherwise take part in any proceedings that affect public schools exclusively; and

(b) where the agreement or agreements under this section are in respect of elementary school pupils only, the member so appointed is a trustee for elementary school purposes only and shall not vote on a motion or otherwise take part in any proceedings that affect secondary schools exclusively.

The deletion of the word "Indian" is consistent with the amendments in section 1 of the Bill.

Subsection 3. Subsection 165 (5) of the Act now reads as follows:

(5) Where the number of Indian pupils enrolled in the schools under the jurisdiction of a divisional board or a county or district combined separate school board pursuant to one or more agreements made under this section exceeds 25 per cent of the average daily enrolment in the schools of the board, two persons may be named under subsection (4), and subsection (4) applies with necessary modifications in respect of such persons.

The amendment permits a second Indian representative to be appointed to a district school area board and to a rural separate school board where the number of Indian pupils enrolled exceeds 25 per cent of the average daily enrolment of the board.

Subsection 4. The new subsection (6*a*) provides for the counting of Indians enrolled in schools on a reserve where a board provides the instruction, when determining Indian representation on a board.

SECTION 40.—Subsections 1 and 2. Subsection 166 (1) of the Act now reads as follows:

(1) A board may provide for,

(a) a resident pupil of the board who is enrolled in a school that the board operates or in a school operated by another board to which the board pays fees in respect of such pupil;

(b) a pupil in respect of whom the Minister pays the cost of education under the regulations; and

(c) a child over two years of age who may, under the regulations, be admitted to a program for hearing-handicapped children,

13. Subsection 183 (1) of the said Act is repealed and the following substituted therefor: s. 183 (1), re-enacted

(1) The meetings of a board and, subject to subsection (1*a*), meetings of a committee of the board, including a committee of the whole board, shall be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct. Open meetings of boards

(1*a*) A meeting of a committee of a board, including a committee of the whole board, may be closed to the public when the subject-matter under consideration involves, Closing of certain committee meetings

(*a*) the security of the property of the board;

(*b*) the disclosure of intimate, personal or financial information in respect of a member of the board or committee, an employee or prospective employee of the board or a pupil or his parent or guardian;

(*c*) the acquisition or disposal of a school site; or

(*d*) decisions in respect of negotiations with employees of the board.

14. Paragraph 2 of the Declaration to subsection 185 (1) of the said Act is amended by adding at the end thereof "and that I will disclose any pecuniary interest, direct or indirect, as required by and in accordance with the *Municipal Conflict of Interest Act*". s. 185 (1), amended; R.S.O. 1980, c. 305

15. Section 196 of the said Act is amended by adding thereto the following subsection: s. 196, amended

(1*a*) A person who is an elector, as defined in the *Municipal Elections Act* in respect of an area for which one or more members of a board are to be elected, is qualified to be elected as a member of the board for any area within the jurisdiction of the board, Idem; R.S.O. 1980, c. 308

(*a*) by public school electors if he is a public school elector in the area in which he is an elector; or

(*b*) by separate school electors if he is a separate school elector in the area in which he is an elector,

if such person is otherwise qualified under subsection (1) and is not disqualified under subsection (2).

16. Clause 198 (2) (*b*) of the said Act is amended by striking out "the third year of the Intermediate Division" in the eighth line and inserting in lieu thereof "Grade 9". s. 198 (2) (*b*), amended

s. 207 (1), re-enacted

47. Subsection 207 (1) of the said Act is repealed and the following substituted therefor:

Appointment and dismissal of auditor

(1) Every board shall appoint an auditor who shall hold office during good behaviour and be removable by the board for cause and who, except in the case of a board established under section 70, shall be a person licensed as a municipal auditor under the *Municipal Affairs Act*.

R.S.O. 1980, c. 303

s. 215*a*, enacted

48. The said Act is amended by adding thereto the following section:

Exemption by-laws not to include school taxes

215*a*. No by-law of a municipal council passed after the 14th day of April, 1892, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt the property from school rates of any kind.

s. 216 (2), amended

49. Subsection 216 (2) of the said Act is amended by striking out "where otherwise provided in the Act under which the sum is collected" in the fifth and sixth lines and inserting in lieu thereof "as provided in subsection 34 (3) of the *Assessment Act*".

R.S.O. 1980, c. 31

s. 235 (1), amended

50. Subsection 235 (1) of the said Act is amended by inserting after "teacher" in the first line "and a temporary teacher".

s. 253, amended

51. Section 253 of the said Act is amended by adding thereto the following subsection:

General report of chief executive officer

(3) The chief executive officer of a board shall submit to the board at the end of each school year in the form provided by the Minister, a general report as to the performance of his duties and shall file a copy of the report with the Minister.

s. 256, amended

52. Section 256 of the said Act is amended by adding thereto the following subsection:

Access to books and records, etc.

(5) A provincial supervisory officer or a person designated by the Minister shall have access, as required by the Minister, to any school and to the books and records of a board and of a school.

s. 258 (2), amended

53. Subsection 258 (2) of the said Act is amended by inserting after "Where" in the first line "on or".

s. 261 (2), amended

54. Subsection 261 (2) of the said Act is amended by inserting after "Where" in the first line "on or".

s. 262, amended

55.—(1) Section 262 of the said Act is amended by adding thereto the following subsection:

transportation to and from the school that the pupil attends and to and from an activity that is part of the program of such school.

It is proposed to consider school-to-school and "other" transportation as part of the ordinary operating expenditure of a board and as such the average per pupil cost for such transportation will be part of all tuition fee billings.

Subsection 3. The amendment makes provision for reimbursement of a parent for the cost of board, lodging and transportation where a pupil resides in a residence in a regional municipality, except The Regional Municipality of Sudbury, that is forty-eight kilometres or more from the school that he attends.

SECTION 41.—Subsection 1. Subsection 171 (1) of the Act now reads as follows:

(1) Subject to the provisions of Part IV as to the selection of a site by a rural separate school board, every board may acquire, by purchase or lease, or may expropriate, a school site that is within its area of jurisdiction.

This amendment is complementary to the amendments to section 98 of the Act (see section 28 of the Bill) and clarifies the provisions to which this subsection is subject.

Subsection 2. This is consistent with the amendment to section 173 of the Act as set out in section 42 of the Bill.

SECTION 42.—Subsection 1. Subsections 173 (1) and (2) are rewritten for clarification. Lands acquired for a natural science program are a school site as defined in paragraph 53 of subsection 1 (1) of the Act. Section 171 authorizes school boards to acquire school sites without approval of the Minister where the sites are within the areas of jurisdiction of boards but requires approval of the Minister where a school site is situate outside the jurisdiction. As previously written, subsections 173 (1) and (2) appeared to be at variance with the concepts in section 171 where the land for a natural science program was situate outside the area of jurisdiction of the acquiring board.

The new subsection (1) will permit the requirements of section 171 to prevail where the school site is acquired for natural science programs under that section subject to the requirement of approval where construction of facilities is required.

The new subsection (1*a*) extends the authority provided in section 171 for boards to acquire a school site outside their area of jurisdiction where it is for the purpose of a natural science program but such authority is made subject to the approval of the Minister as to the acquisition and in respect of the construction of facilities.

Subsection (2) clarifies the previous authority of boards to share existing lands and facilities for conducting a natural science program and makes the principle of Ministerial approval apply where lands for such purpose are acquired outside the areas of jurisdiction of the boards who enter the agreement. Approval of the sharing agreement is required as is approval for construction.

Subsection 2. The amendment to subsection 173 (3) of the Act is complementary to the changes in subsections (1), (1*a*) and (2).

SECTION 43. The subsection is revised to make clear that meetings of a board are always open to the public and that meetings of a committee, including a committee of the whole board, may be closed to the public only at such times when the subject-matter being discussed comes within one or more of the subject areas set out in the new subsection (1*a*).

SECTION 44. The declaration is amended to make it consistent with the declaration that is required to be given under the *Municipal Act*.

SECTION 45. The amendment makes it clear that the fact that a person is not entitled to vote at the election of a member of the board to be elected from a particular municipality or locality or combination thereof in the area of jurisdiction of the board does not disqualify the person to be elected as a member of the board in such municipality, locality or combination thereof.

SECTION 46. Clause 198 (2) (*b*) of the Act now reads as follows:

(2) Subject to section 202, where, in respect of a board of education, the office of a member elected by separate school electors becomes vacant from any cause before the expiration of the term for which he was elected, and,

. . . . .

(b) there are no remaining members elected by separate school electors or the remaining members elected by separate school electors are not a majority of the members elected by separate school electors, the vacancy shall be filled by appointment by the board of the separate school zone that had the highest average daily enrolment for the preceding year of pupils below the third year of the Intermediate Division who resided in the school division, as certified by the appropriate supervisory officer,

. . . . .

The amendment implements current policy of the Ministry in respect of terminology for designating grade levels.

(3*a*) Section 206 applies with necessary modifications to a member of a committee under clause (2) (*b*). Application of s. 206

(2) Subsection 262 (4) of the said Act is amended by adding at the end thereof "and his successor is appointed or elected, as the case may be". s. 262 (4), amended

56. Section 263 of the said Act is amended by adding thereto the following subsection: s. 263, amended

(2) The members of the committee to be appointed by the board shall be appointed not later than the date of the election meeting referred to in subsection (1). Idem

57. Section 266 of the said Act is amended by adding thereto the following subsection: s. 266, amended

(2) Subsection 197 (3) applies with necessary modifications to the resignation of a member of a committee. Application of s. 197 (3)

58. Clause 267 (1) (*k*) of the said Act is amended by striking out "adult education programs" in the first and second lines and inserting in lieu thereof "continuing education classes". s. 267 (1) (*k*), amended

59. Subsection 275 (2) of the said Act is repealed and the following substituted therefor: s. 275 (2), re-enacted

(2) Members of the Commission shall hold office for a term of one, two or three years as may be determined from time to time by the Lieutenant Governor in Council, may be reappointed and shall be paid such remuneration as is determined by the Lieutenant Governor in Council. Term, reappointment and remuneration

60. This Act comes into force on the day it receives Royal Assent. Commencement

61. The short title of this Act is the *Education Amendment Act, 1981*. Short title

SECTION 47. Subsection 207 (1) of the Act now reads as follows:

(1) Every board shall appoint an auditor who shall be a person licensed by the Ministry of Intergovernmental Affairs as a municipal auditor and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the board.

The amendment excludes a board established on tax-exempt land from the requirement that its auditor be licensed as a municipal auditor under the *Municipal Affairs Act*.

The amendment also removes the requirement of a vote of two-thirds of the members of a board to remove an auditor, thus making the subsection consistent with the provisions of the *Municipal Act*.

SECTION 48. The purpose of the amendment is to ensure that no rateable property is exempt from school taxes.

SECTION 49. Subsection 216 (2) of the Act now reads as follows:

(2) The council of a municipality shall annually account for all moneys collected for school purposes, and any sum collected in excess of the amount required by a board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following.

The purpose of the amendment is to make it clear that subsection 167 (2) of the *Municipal Act* does not apply to any moneys collected by a municipality for school purposes that are surplus to the requirements of the school board for which it was collected.

The result of this amendment is to make subsection 216 (2) consistent with subsection 34 (3) of the *Assessment Act*, which section requires that taxes collected from assessment omitted from the roll by error and subsequently picked up, or from supplementary or new assessment that is subsequently added to the roll, are to be turned over to the board by the year end. The amendment also requires the municipality to hold for school purposes for the following year any moneys collected in excess of the amount required by the board.

SECTION 50. The amendment makes it clear that a person teaching on a letter of permission is required to perform the same duties as a qualified teacher.

SECTION 51. The amendment requires the chief executive officer of a board to submit an annual report to the board.

SECTION 52. The amendment gives provincial supervisory officers access to schools and board records, where the Minister so requires.

SECTION 53. Subsection 258 (2) of the Act now reads as follows:

(2) Where, after the first school day in September and on or before the 1st day of April next following, written evidence is presented to a board referred to in subsection (1) that a number of French-speaking pupils resident in the school section or separate school zone have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty-five or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day of the following school year.

The purpose of the amendment is to include the first school day in September in the time period referred to.

SECTION 54. Subsection 261 (2) of the Act now reads as follows:

(2) Where, after the first school day in September and on or before the 1st day of April next following, written evidence is presented to a board that a number of French-speaking pupils resident in the secondary school district have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day in the following school year.

The purpose of the amendment is to include the first school day in September in the time period referred to.

SECTION 55.—Subsection 1. The amendment makes an elected member of a language advisory committee subject to the same disqualifications as a member of the board.

Subsection 2. Subsection 262 (4) of the Act now reads as follows:

(4) A member of a committee shall hold office during the term of the members of the board and until a new board is organized.

The amendment extends the term of office of a member of a French-language advisory committee until his successor is appointed or elected.

SECTION 56. The new subsection (2) requires the new board to make its appointments to the committee by the date of the election referred to in subsection (1).

SECTION 57. The amendment provides for the orderly resignations of the elected members of a language advisory committee and ensures that the number of members of the committee shall never be less than a quorum.

SECTION 58. Clause 267 (1) (*k*) of the Act now reads as follows:

267.—(1) A committee is responsible for developing proposals designed to meet the educational and cultural needs of the French-speaking pupils and the French-speaking community and for such purpose may make recommendations in respect of,

. . . . .

(k) the development and establishment of adult education programs.

The amendment to clause (*k*) is complementary to the new definition of "continuing education class" in section 1 of the Bill.

SECTION 59. The subsection as re-enacted permits members to be appointed for a term of one, two or three years as determined by the Lieutenant Governor in Council. The purpose of the amendment is to permit flexibility and continuity in the making of appointments by staggering the terms of office of the members.

Subsection 275 (2) of the Act now reads as follows:

(2) Members of the Commission shall hold office for a term of three years, may be reappointed, and shall be paid such remuneration as may be determined by the Lieutenant Governor in Council.

An Act to amend the Education Act

1st Reading

November 5th, 1981

2nd Reading

3rd Reading

THE HON. B. M. STEPHENSON
Minister of Education and Minister of Colleges and Universities

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(*Government Bill*)

1981

BILL 165 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Theatres Act

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. The definition being removed is complementary to section 12 of the Bill.

Section 2. Section 3 of the Act sets up the Board of Censors and sets out its powers. The new provisions deal with the remuneration payable to board members, supervision of its affairs and the quorum for meetings.

In addition categories into which films may be classified are set out and the basis for each classification.

BILL 165 1981

An Act to amend the Theatres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (*n*) of the *Theatres Act*, being chapter 498 of the Revised Statutes of Ontario, 1980, is repealed. s. 1 (*n*), repealed

2.—(1) Section 3 of the said Act is amended by adding thereto the following subsections: s. 3, amended

(1*a*) The members of the Board shall be paid such remuneration and expenses as may be fixed by the Lieutenant Governor in Council. Remuneration

(1*b*) The chairman of the Board shall have general supervision and direction over the conduct of the affairs of the Board. Chairman

(1*c*) At any meeting of the Board four members constitute a quorum. Quorum

(2) Clauses 3 (2) (*e*) and (*f*) of the said Act are repealed and the following substituted therefor: s. 3 (2) (*e*), re-enacted, s. 3 (2) (*f*), repealed

(*e*) to classify films in accordance with the classifications set out in subsection (4).

(3) The said section 3 is further amended by adding thereto the following subsections: s. 3, amended

(4) Films may be classified in accordance with the following categories: Film classification

1. Family.

2. Parental guidance.

3. Adult accompaniment.

4. Restricted.

Idem

(5) For purposes of subsection (4), where a film is classified as,

(*a*) family, the film is one that the Board considers appro- priate for viewing by a person of any age;

(*b*) parental guidance, the film is one that the Board con- siders every parent should exercise his discretion ir permitting his child to view;

(*c*) adult accompaniment, the film is one that the viewin of is restricted to persons fourteen years of age or olde or to persons younger than fourteen years of age wh are accompanied by an adult; or

(*d*) restricted, the film is one that the viewing of i restricted to persons eighteen years of age or older.

ss. 10, 11, re-enacted

3. Sections 10 and 11 of the said Act are repealed and the followin substituted therefor:

Classification of theatres

10. Theatres are classified and defined as follows:

1. Class A theatre means a building in which standar film is used to exhibit moving pictures.

2. Class B theatre means any premises in which film exhibited and viewed by the public from vehicles an commonly known as a drive-in theatre.

Theatre licence required

11. No person shall use any building as a Class A theat without a licence therefor under this Act and no person shall u any premises as a Class B theatre without a licence theref under this Act.

s. 12 (1), amended

4. Subsection 12 (1) of the said Act is amended by inserting aft "entitled" in the second line "upon submitting a completed app cation and".

s. 18, repealed

5. Section 18 of the said Act is repealed.

s. 20 (4, 5), re-enacted

6. Subsections 20 (4) and (5) of the said Act are repealed and t following substituted therefor:

Persons under 14 attending adult accompaniment film exhibition

(4) No person shall sell, to a person apparently under fourte years of age, unless the person apparently under fourteen years age is accompanied by a person apparently eighteen years more of age, a ticket of admission or grant admission to tl

SECTION 3. The reference to Class C and D theatres is being removed as these classifications will no longer be used.

SECTION 4. The amendment clarifies that when applying for a theatre licence a completed application is required.

SECTION 5. The requirement for approval of installation of projectors is being removed.

SECTION 6. Subsection 20 (4) now prohibits persons under eighteen years of age from purchasing a ticket to see a film classified as restricted. The new subsections 20 (4) and (5) are complementary to the new classifications set out in section 2 of the Bill.

Subsection 20 (6) is the former subsection 20 (5) of the Act incorporating reference to the new subsection.

SECTION 7. The provision requiring the display of signs in accordance with the regulations is being deleted. Requirements concerning signs will be in the regulations.

SECTION 8. Sections 35 and 36 of the Act now deal with the approval of films by the Board. They are being amended to clarify that the Board classifies films as well as approves them. In addition the power of the Board to give conditional approval is specified.

Provision is also being made to provide for a review of the Board's decision in respect of approval or classification of film. The review would be by a panel of five members none of whom was involved in the first decision.

SECTION 9. The provisions as recast shortens the existing subsection without change in intent.

SECTION 10. The recast section 38 of the Act is complementary to section 8 of the Bill. Section 39 is recast to clarify the intent.

person into a theatre where a film classified as adult accompaniment is about to be or being exhibited.

(5) No person shall sell, to a person apparently under eighteen years of age, a ticket of admission or grant admission to that person into a theatre where a film classified as restricted is about to be or being exhibited. Persons under 18 years prohibited from viewing restricted film exhibition

(6) In any prosecution for a contravention of subsection (1), (4) or (5), the court shall determine from the appearance of any person and other relevant circumstances whether he is apparently under the age referred to in subsection (1), (4) or (5). Prosecution under subs. (1), (4) or (5)

7. Section 23 of the said Act is repealed. s. 23, repealed

8. Sections 35 and 36 of the said Act are repealed and the following substituted therefor: ss. 35, 36, re-enacted

35.—(1) All film before being exhibited in Ontario shall be submitted to the Board for approval and classification, accompanied by the prescribed fee. Approval of film

(2) An approval under subsection (1) may be conditional upon the film being exhibited in designated locations and on specified dates only. Conditional

(3) Where a film has been submitted for approval and classification under subsection (1), the person submitting the film, upon payment of the prescribed fee, may submit the film for a second review by a panel of the Board composed of not less than five members of the Board, none of whom had participated in the first review. Review of decision

(4) A decision by a panel under subsection (3) is final and may confirm or amend a decision by the Board under subsection (1). Idem

36. Subject to the regulations, where a film is approved by the Board, it shall be so stamped. Stamping

9. Subsection 37 (1) of the said Act is repealed and the following substituted therefor: s. 37 (1), re-enacted

(1) Every film submitted to the Board for approval shall be submitted in the manner prescribed by the regulations. Submission for approval

10. Sections 38 and 39 of the said Act are repealed and the following substituted therefor: ss. 38, 39, re-enacted

38.—(1) No person shall exhibit or cause to be exhibited in Ontario any film that has not been approved by the Board. Exhibition of film

Idem

(2) No person shall exhibit or cause to be exhibited in Ontario any film that has been approved by the Board except in accordance with a certificate of approval.

Alteration of film

39. No person shall alter or cause to be altered, for the purpose of exhibition, any film from its state as approved by the Board.

ss. 50-52, repealed

11. Sections 50, 51 and 52 of the said Act are repealed.

s. 62, repealed

12. Section 62 of the said Act is repealed.

s. 63 (1), pars. 15, 16, 17, 24, 28, re-enacted

13. Paragraphs 15, 16, 17, 24 and 28 of subsection 63 (1) of the said Act are repealed and the following substituted therefor:

15. prescribing building plans, documents and other information to be submitted to the Director with an application for a licence;

16. requiring signs to be displayed in respect of the exhibition of film classified by the Board and prescribing types of signs and the manner in which the signs shall be displayed;

17. prescribing the manner in which advertising matter in connection with any film classified by the Board or the exhibition thereof shall indicate that the film has been so classified;

. . . . .

24. prescribing the manner in which film or any class of film shall be submitted to the Board for approval under section 35;

24*a*. prescribing the fees to be paid for a review under subsection 35 (3);

. . . . .

28. providing for the issue, expiry and renewal of licences under section 53 and prescribing fees therefor.

Commencement

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. The short title of this Act is the *Theatres Amendment Act, 1981*.

SECTION 11. The requirement to submit plans to construct a theatre are being removed from the Act and will be dealt with by regulation.

SECTION 12. Section 62 of the Act is redundant. The *Financial Administration Act* provides for fees to be paid into the Consolidated Revenue Fund.

SECTION 13. The regulation-making section is being amended to tie in with the changes being effected by the Bill.

An Act to amend the Theatres Act

1st Reading

November 10th, 1981

2nd Reading

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer
and Commercial Relations

(*Government Bill*)

1981

BILL 166 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to revise the Motor Vehicle Fuel Tax Act

THE HON. G. L. ASHE
Minister of Revenue

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill introduces a system of fuel colouration similar to that now employed in the other nine provinces. The Bill does not affect the rate or the incidence of tax on fuel but introduces a new mechanism to provide for the payment of tax.

The fuel subject to tax under the Bill is fuel, other than gasoline, used to generate power in a motor vehicle. The same product can be used for home heating and other non-taxable uses.

In order to separate taxable and non-taxable uses of fuel the existing *Motor Vehicle Fuel Tax Act* establishes a registration system which requires that returns be made by sellers of fuel at all levels of the fuel distribution system and by some consumers of fuel. With the colouring of fuel used for non-taxable purposes proposed by this Bill, the requirements for this elaborate system of registration will disappear with consequent reduction in bookkeeping and filing requirements.

Under the system proposed in the Bill the Minister will designate operators of storage terminal facilities to add a dye, to be supplied by Ontario, to that part of their product which they will sell for tax-exempt use. This coloured fuel will be for use as furnace fuel and by farmers and commercial fishermen who are entitled to use tax-exempt fuel in their equipment.

The introduction of a fuel colouration program will reduce the number of persons in the fuel distribution system required to file returns and account for tax to the Minister by 7,500. In addition, approximately 45,000 consumers, mainly farmers and fishermen, will no longer be required to register with the Minister. Coloured and clear fuels will, however, have to be transported and stored in separate receptacles and this will require expansion in tankage facilities. The Bill contains a provision empowering the Lieutenant Governor in Council to establish a program of relief to small, independent businessmen and farmer's co-operatives for additional tankage costs arising from the colouration of fuel.

BILL 166 1981

An Act to revise the Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "bulk plant" means a storage facility that is capable of holding petroleum in storage for subsequent sale or delivery in bulk of such petroleum to wholesalers, retail dealers or purchasers but from which petroleum is not sold or delivered directly into the fuel tank of a motor vehicle;

(*b*) "clear fuel" means fuel which contains no dye or less dye than the minimum quantity of dye prescribed;

(*c*) "collector" means a person designated in writing by the Minister to colour and distribute coloured fuel and clear fuel and to collect and remit to the Treasurer the tax collectable and payable on sales of clear fuel in accordance with the provisions of this Act and the regulations;

(*d*) "coloured fuel" means fuel which contains dye in an amount equal to or in excess of the amount prescribed for the purpose of this clause;

(*e*) "colouring" and "colour" in respect of fuel mean the addition to fuel of dye in the proportion prescribed by a person so authorized by the Minister;

(*f*) "dye" means chemical substances prescribed for the purpose of blending with fuel to make coloured fuel;

(*g*) "dye-point" means a terminal designated by the Minister for the purpose of colouring fuel;

(*h*) "fuel" means any gas or liquid that may be used for the purpose of generating power by internal combustion, and includes any substance added thereto, but does not include,

(i) any product that is excluded from this Act by the regulations and to which subsection 4 (5) does not apply,

(ii) gasoline on which the tax imposed by the *Gasoline Tax Act* has been paid, or

R.S.O. 1980, c. 186

(iii) aviation fuel on which the tax imposed by the *Gasoline Tax Act* has been paid and that is used to create power to propel an aircraft;

(*i*) "fuel tank" means that part of a motor vehicle in which fuel for generating power in the motor vehicle is kept;

(*j*) "importer" means any person, other than a collector, who receives in Ontario fuel from a person outside Ontario, or who brings into Ontario fuel for the purpose of resale in Ontario or for his own use or the use of others at his expense in Ontario;

(*k*) "interjurisdictional carrier" means a person who engages in the commercial transportation of goods or passengers and who operates for such purpose,

(i) one or more motor vehicles licensed or required to be licensed under the *Highway Traffic Act* and operating inside and outside Ontario,

R.S.O. 1980, c. 198

(ii) one or more motor vessels operating under the *Canada Shipping Act*, or

R.S.C. 1970, c. S-9

(iii) railway equipment operated on rails in connection with and as part of a public transportation system;

(*l*) "Minister" means the Minister of Revenue;

(*m*) "motor vehicle" means a machine operated, propelled or driven otherwise than by muscular power;

(*n*) "prescribed" means prescribed by the regulations;

(*o*) "purchaser" means a person who acquires or receives fuel for his own use or consumption or for the use or consumption by others at his expense, or on behalf of,

or as agent for, a principal who desires to acquire the fuel for use or consumption by him or other persons at his expense;

(*p*) "registered consumer" means the holder of a valid fuel acquisition permit under this Act;

(*q*) "regulations" means the regulations made under this Act;

(*r*) "retail dealer" means a person who sells fuel to a purchaser;

(*s*) "tax" includes all penalties and interest and includes dye costs assessed under section 13 that are or may be added to a tax under this Act;

(*t*) "taxable price per litre" of fuel means the price per litre from time to time prescribed by the Minister as the taxable price per litre of fuel for such period of time as the Minister may prescribe, and in determining the taxable price per litre of fuel, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of fuel in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per litre of fuel from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per litre of fuel;

(*u*) "terminal" means a storage facility to which petroleum is conveyed from a refinery and which is capable of holding petroleum in storage for resale and receiving petroleum by pipeline or water craft;

(*v*) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

Registered consumer

2.—(1) Every person desiring to be a registered consumer shall, by such form and in such manner as the Minister requires, apply for a fuel acquisition permit.

Issue of fuel acquisition permit by Minister

(2) Where the Minister is satisfied that the applicant for a fuel acquisition permit will be acquiring fuel principally to be consumed by the applicant in a manner prescribed for the purpose of this subsection, the Minister may issue a fuel acquisition permit to such applicant and the fuel acquisition permit may be made subject to such conditions and restrictions as the Minister consid-

ers necessary to ensure that fuel received by the applicant through his use of the fuel acquisition permit will be dealt with by the applicant in accordance with this Act and the regulations.

Refusal to issue, suspension or cancellation

(3) The Minister may refuse to issue a fuel acquisition permit to any applicant or may suspend or cancel any fuel acquisition permit if the applicant for the fuel acquisition permit or a registered consumer contravenes or has permitted the contravention of the provisions of this Act or the regulations or the conditions or restrictions upon which his certificate was issued or, in the case of an applicant for a fuel acquisition permit, fails to satisfy the Minister of the applicant's ability to perform the conditions proposed by the Minister to be attached to the issue of the fuel acquisition permit.

Hearing

(4) Where the Minister intends to refuse to issue a fuel acquisition permit or intends to suspend or cancel any fuel acquisition permit, the applicant or registered consumer, as the case may be, shall, subject to subsection (5) and before the refusal, cancellation or suspension, be afforded an opportunity, at a hearing before the Minister or some other person authorized by the Minister to hold the hearing, to show cause why the issue of a fuel acquisition permit should not be refused or why the fuel acquisition permit should not be suspended or cancelled, whichever is the case.

Suspension forthwith

(5) Where a registered consumer fails to remit the tax that is payable by him under this Act at the time and in the manner required by this Act or the regulations, the Minister may, by notice in writing to the registered consumer and without a hearing, suspend forthwith the registered consumer's fuel acquisition permit, and the notice shall state the failure of the registered consumer for which his permit is suspended and shall fix a day, not more than fifteen days after the date of the suspension, for a hearing before the Minister or some person authorized by him to hold the hearing to determine whether the registered consumer's suspension should be rescinded or continued and upon what conditions the suspension may be rescinded or continued.

Service of notice

(6) A notice of hearing under subsection (4) or (5) is properly served either by personal service or by registered mail sent to the last known address of the registered consumer or applicant, as the case may be.

Offence

(7) Every person who, being a registered consumer, contravenes this Act or the regulations or any condition or restriction contained in his fuel acquisition permit issued under this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax, if any, that should have been paid or remitted by such person in compliance with

this Act or the regulations, plus an additional amount of not less than $500 and not more than $5,000.

Interjurisdictional carriers must register

3.—(1) Every interjurisdictional carrier required to hold a registration certificate under this section shall, by such form and in such manner as the Minister requires, apply for a registration certificate and the Minister may issue a registration certificate to the applicant subject to such conditions and restrictions as the Minister considers necessary to ensure compliance with this Act and the regulations.

Refusal to issue, suspension or cancellation

(2) The Minister may refuse to issue a registration certificate to any applicant or may suspend or cancel any registration certificate if the applicant or the holder of a registration certificate contravenes or has permitted the contravention of the provisions of this Act or the regulations or the conditions or restrictions upon his registration certificate or, in the case of an applicant for a registration certificate, fails to satisfy the Minister of the applicant's ability to perform the conditions proposed by the Minister to be attached to the issue of the registration certificate.

Hearing

(3) Where the Minister intends to refuse to issue a registration certificate or intends to suspend or cancel a registration certificate, the applicant or holder of a registration certificate, as the case may be, shall, subject to subsection (4) and before the refusal, cancellation or suspension, be afforded an opportunity, at a hearing before the Minister or some person authorized by the Minister to hold the hearing, to show cause why the issue of a registration certificate should not be refused or why the registration certificate should not be suspended or cancelled, whichever is the case.

Suspension forthwith

(4) Where the holder of a registration certificate fails to remit the tax that is payable by him under this Act at the time and in the manner required by this Act or the regulations, the Minister may, by notice in writing to the holder of the registration certificate and without a hearing, suspend forthwith the registration certificate, and the notice shall state the failure of the holder of the registration certificate for which his certificate is suspended and shall fix a day, not more than fifteen days after the date of the suspension, for a hearing before the Minister or some person authorized by him to hold the hearing to determine whether the suspension of the registration certificate should be rescinded or continued and upon what conditions the suspension may be rescinded or continued.

Service of notice

(5) A notice of hearing under subsection (3) or (4) is properly served either by personal service or by registered mail sent to the last known address of the holder of the registration certificate or applicant, as the case may be.

Offence

(6) Every person who,

(*a*) operates as an interjurisdictional carrier in Ontario without holding a registration certificate required under this Act; or

(*b*) being the holder of a registration certificate, contravenes this Act or the regulations or any condition or restriction contained in his registration certificate issued under this Act or the regulations,

is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax, if any, that should have been paid or remitted by such person in compliance with this Act or the regulations, plus an additional amount of not less than $200 and not more than $2,000.

Tax

4.—(1) Every collector, importer, registered consumer and purchaser shall pay to the Treasurer a tax at the rate of 27 per cent of the taxable price per litre on each litre of clear fuel received or used in Ontario by him to generate power in a motor vehicle other than railway equipment, and shall, on each litre of clear fuel received or used in Ontario by him to propel railway equipment on rails where such equipment is operated in connection with and as a part of a public transportation system, pay to the Treasurer a tax at the rate of 8.37 per cent of the taxable price per litre of such fuel.

Idem

(2) The tax imposed by this Act shall not be increased or reduced by reason of the fact that the price or consideration paid or given by a collector, importer, registered consumer or purchaser for clear fuel is different from the taxable price per litre of that fuel.

Payment of tax

(3) Subject to subsection (5), the tax imposed by subsection (1) shall be paid at the time the clear fuel is supplied to the purchaser, or where the clear fuel is acquired by the purchaser outside Ontario, and imported into Ontario in the fuel tank of a motor vehicle at the time such fuel is used in Ontario, and the tax imposed by subsection (1) shall be paid to the Treasurer in accordance with section 11.

Security for tax

(4) Where a purchaser uses in Ontario clear fuel that was acquired outside Ontario, such purchaser shall, upon the demand of the Minister or of someone authorized by the Minister to make such a demand, furnish to the Minister security in cash or in such other form as is satisfactory to the Minister that is sufficient for the payment of all tax imposed by this Act on the use by such purchaser in Ontario of clear fuel on which the tax imposed by this Act has not been paid, and in the event that the

tax for which the security is given is not paid, the Minister may realize upon the security to the extent necessary to pay such tax.

Payment of tax

(5) Where any person places any product that is excluded from this Act by the regulations in a fuel tank of a motor vehicle that is licensed or required to be licensed under the *Highway Traffic Act,* the product thereupon becomes taxable as clear fuel under this Act and is no longer excluded from this Act, and the person so doing shall forthwith pay the tax imposed by this Act on such fuel to the Treasurer.

R.S.O. 1980, c. 198

Prohibited use of coloured fuel

(6) No collector or retail dealer shall place any coloured fuel in the fuel tank of a motor vehicle licensed or required to be licensed under the *Highway Traffic Act.*

Idem

(7) No person who is the operator or who is in charge of a motor vehicle licensed or required to be licensed under the *Highway Traffic Act* shall place or cause to be placed in the fuel tank of the motor vehicle any coloured fuel.

Offence

(8) Every person who knowingly fails to pay the tax imposed by subsection (1), (2) or (5) when required by this Act is guilty of an offence and on conviction is liable to a fine of not less than the amount of the tax that he failed to pay and of an additional amount that is not less than $100 and not more than $5,000.

Idem

(9) Every person who fails to comply with subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500.

Amounts in lieu of tax

(10) Where any person selling fuel receives any payment made as or in lieu of tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act and the regulations for the collection and enforcement of the tax payable under this Act and, for the purposes of the assessment and collection of such payment, the person receiving such payment as or in lieu of the tax payable under this Act is deemed to be a collector.

Use of coloured fuel

(11) Coloured fuel may be used for any purpose prescribed by the Minister for the use of coloured fuel and for all purposes other than the generating of power in a motor vehicle or the propulsion of railway equipment operated on rails in connection with, and as a part of, a public transportation system.

Detention and examination of motor vehicle

5.—(1) For the purpose of ascertaining,

(*a*) whether tax imposed by this Act has been paid on clear fuel contained in the fuel tank of a motor vehicle or whether the fuel tank contains clear or coloured fuel;

(*b*) whether any tax imposed by this Act is payable on such fuel; or

(*c*) whether the operator of a motor vehicle is an interjurisdictional carrier holding a valid registration certificate or is required to hold such a certificate,

any person thereunto authorized by the Minister may stop and detain any motor vehicle in Ontario and may examine such motor vehicle, fuel in any fuel tank thereof and take samples of such fuel, and may demand the production forthwith of any valid registration certificate issued under this Act to the operator.

Offence

(2) Every operator of a motor vehicle that may be stopped and detained under subsection (1) who refuses to permit the detention and examination of such motor vehicle that is under his control, or who refuses to allow samples of fuel to be taken, or fails to produce forthwith a valid registration certificate issued to him under this Act, is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500 for each offence.

Idem

(3) Every operator of a motor vehicle that is found to contain coloured fuel in any fuel tank thereof, contrary to the provisions of this Act and the regulations, is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500 for each offence.

Burden of proof

(4) In any proceeding under subsection (3) it is not necessary to prove that coloured fuel was acquired and used in contravention of this Act, but only to prove that the fuel tank of a motor vehicle contained coloured fuel on the day of the examination under this section.

Subsequent offence

(5) The fact that the coloured fuel that was found in a fuel tank of a motor vehicle is the same coloured fuel that was found therein on another occasion that constituted an offence under subsection (3) is not a defence in a prosecution for a subsequent offence under that subsection if a period of more than twenty-four hours has elapsed since taking a sample of fuel from that motor vehicle.

Invoice

6.—(1) Every vendor shall inform every person to whom he sells fuel of the price of the fuel and shall deliver to him an invoice showing,

(*a*) the name of the vendor and of the purchaser;

(*b*) the selling price of the fuel;

(*c*) the amount of tax charged;

(*d*) the quantity of clear fuel sold;

(*e*) the quantity of coloured fuel sold; and

(*f*) the date of sale.

Responsibility of purchaser, etc.

(2) Upon the request of the Minister, every purchaser of fuel and every person in control of a motor vehicle that contains fuel shall furnish to the Minister proof that tax has been paid on such fuel or that no tax was payable under this Act on such fuel.

Security

7. The Minister may require any collector or registered consumer or importer to furnish security on such terms and conditions and in such amount as the Minister considers appropriate.

Designation of collector

8.—(1) The Minister may designate any person who is an operator or owner of a terminal to be a collector under this Act and in the case of each collector so designated, may specify the number and location of dye-points the collector may established and operate.

Collector to collect tax

(2) Subject to subsections (3) and (4), every collector shall, at the times and in the manner prescribed, collect from any wholesaler, retail dealer or purchaser to whom the collector sells clear fuel, the tax collectable and payable under this Act, and for that purpose every collector is an agent of the Minister for the collection of the tax imposed by this Act and for the remittance thereof to the Treasurer.

Tax on clear fuel

(3) Unless the tax is collected at the time of sale, no collector shall sell clear fuel to any person who is not a registered consumer holding a fuel acquisition permit that allows him to purchase fuel without paying tax to a collector.

Sales to collectors

(4) Notwithstanding subsection (2) no collector shall collect the tax imposed by this Act on the sale by him of clear fuel to a collector who is not a purchaser in respect of such clear fuel.

Members of Assembly

(5) No individual designated a collector under subsection (1) shall by reason of such designation be made ineligible as a member of the Assembly.

Tax moneys are trust moneys

(6) Every person who collects any tax under this Act and every person who, being a collector or importer, is liable for tax

as a purchaser of clear fuel is deemed to hold such tax in trust for Her Majesty the Queen in right of Ontario and shall remit to the Treasurer all such tax at such time and in such manner as is required by this Act and the regulations.

Dye held in trust

(7) Every collector who possesses dye in accordance with the requirements of this Act and the regulations is deemed to hold the dye in trust for Her Majesty the Queen in right of Ontario for the purpose of using the dye in accordance with this Act and the regulations and is accountable for all such dye at the time and in the manner provided by the Act and the regulations.

Use of dye

(8) Every collector shall when colouring fuel, use as a dye only such dye as shall be provided from time to time by the Minister and shall use only the quantity of dye that is required to colour fuel as prescribed.

Arrangements for collection

(9) For the purpose of ensuring and facilitating the collection of the tax under this Act, the Minister may enter into such arrangements or agreements with a collector as the Minister considers appropriate.

Offence

(10) Every collector who refuses or neglects to collect the tax in accordance with this Act is guilty of an offence and on conviction is liable to a fine of not less than the amount of the tax that he refused or neglected to collect and $500, and not more than the amount of the tax that he refused or neglected to collect and $10,000.

Collector to colour fuel

(11) Every collector shall colour fuel that is required to be coloured in strict accordance with such requirements as are prescribed by the Minister for the colouring of fuel, the equipment to be used therefor, and the methods and procedures to be followed and observed in the colouring of fuel and every collector who refuses or neglects to dye fuel in accordance with the requirements prescribed is guilty of an offence and on conviction is liable to a fine of not less than $1,000 and not more than $10,000.

Offence

(12) Every collector who sells as coloured fuel, fuel to which dye has not been added in accordance with the regulations is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Idem

(13) Every employee or agent of a collector who permits or authorizes or is a party to or acquiesces in supplying clear fuel to a purchaser without collecting the tax imposed by this Act is guilty of an offence and on conviction is liable to a fine equal to the amount of tax that should have been collected and $50.

(14) No retail dealer in Ontario shall sell or deliver to a purchaser any clear fuel without collecting from the purchaser the tax imposed by this Act, and for the purpose of collecting such tax, every retail dealer is an agent of the Minister. Retail dealers to collect tax from purchasers

(15) Every retail dealer who is not also a collector shall pay over the tax collected by him to a collector at the time and in the manner required by this Act and the regulations. Retail dealers to pay tax to collectors

9.—(1) The Minister may suspend or cancel the designation of any collector where the collector contravenes any of the provisions of this Act or the regulations. Desigation suspended or cancelled

(2) Subject to subsection (3) and before the cancellation or suspension of the designation, the collector shall be afforded an opportunity at a hearing before the Minister or some person authorized by the Minister to hold the hearing within ten days of the notice of suspension or cancellation to show cause why his designation as a collector should not be suspended or cancelled, as the case may be. Hearing

(3) Notwithstanding subsection (2), the Minister may suspend or cancel forthwith and without hearing, the authority granted to a collector for the operation of a dye-point where the collector contravenes any of the provisions of this Act and the regulations which apply to the operation of such dye-point and shall confirm in writing the suspension or cancellation of the authority as imposed and the collector shall be given an opportunity to appear before the Minister or some person authorized by the Minister to hold a hearing within ten days of the date of suspension or cancellation to show cause why the authority to operate the dye-point should be reinstated. Suspension forthwith

(4) Notice of a hearing to be held under subsection (2) is properly served if served either personally or by registered mail sent to the last known address in Ontario of the collector. Service of notice

(5) Notice of a suspension or cancellation under subsection (3) is properly served if served either personally or by registered mail sent to the address of the dye-point the operation of which is suspended or cancelled. Idem

10.—(1) Every collector, importer, interjurisdictional carrier and registered consumer shall, Returns

(*a*) without notice or demand and at the time and in the manner prescribed in the regulations; or

(*b*) on or before the day designated in the demand of the Minister served on the collector, importer, interjuris-

dictional carrier or registered consumer by hand or by registered letter,

deliver to the Minister such return as he requires for the purpose of carrying out this Act.

Verification of returns

(2) Every return shall be verified by the certificate of the collector, importer, interjurisdictional carrier or registered consumer and if the collector, importer, interjurisdictional carrier or registered consumer is not an individual, of its president or its resident manager or representative in Ontario, certifying that the financial and other statements of information included therein or attached thereto are in agreement with the books of the collector, importer, interjurisdictional carrier or registered consumer and exhibit truly, correctly and completely all information for the period covered by the return.

Penalty for failure to deliver return

(3) Every person who fails to make a return as required by subsection (1) shall pay a penalty of not less than $10 and not more than 5 per cent of the tax payable by him and 5 per cent of the tax collectable by him.

Offence

(4) Every person who fails to complete the information required in the return to be delivered to the Minister under subsection (1) is guilty of an offence and on conviction is liable to a fine of $50.

Time for making returns

(5) The Minister may enlarge the time for making any return before or after the time for making it.

Declarations and affidavits

(6) Declarations and affidavits in connection with returns under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge a fee therefor.

Transmission of tax

11.—(1) Every collector, registered consumer or interjurisdictional carrier shall transmit with the return required by section 10 the amount of the tax payable by him or payable and collectable by him, as the case may be.

Deficiency

(2) Subject to subsection (3), where a collector, importer, registered consumer or interjurisdictional carrier transmits less than the amount of the tax payable by him or payable and collectable by him, as the case may be, he shall pay to the Treasurer interest at such rate as is prescribed upon the deficiency calculated from the date of default until the date of transmission to the Treasurer.

Where refund of tax claimed

(3) Where, in a return delivered by a collector, registered consumer or interjurisdictional carrier in accordance with this Act

and the regulations, it is shown that tax under this Act is payable by the collector, registered consumer or interjurisdictional carrier with respect to his use of fuel, and, where, at the time such return is delivered to the Minister, the collector, registered consumer or interjurisdictional carrier also applies for a refund under section 21 of some or all of such tax on fuel so used by him, he may, notwithstanding subsection (1), retain the amount a refund of which he claims until the refund for which he has applied is, in whole or in part, approved or refused by the Minister and notification thereof is sent to him, and upon receiving a statement of disallowance for all or part of the refund claimed, the collector, registered consumer or interjurisdictional carrier shall, with his next return or at such earlier time as is specified in the statement of disallowance, whether or not an objection or appeal from the statement of disallowance is made or taken, transmit to the Treasurer any amount a refund of which has been refused together with interest thereon at the rate prescribed for the period during which such amount has been retained by the collector, registered consumer or interjurisdictional carrier, and upon his being notified of the approval of the refund of any amount a refund of which has been claimed, the collector, registered consumer or interjurisdictional carrier may, subject to subsection (4), retain for his own use such amounts so approved.

Recovery of excess refunds

(4) Any amount refunded under this Act in excess of the amount to which the person receiving the refund was entitled shall be deemed to be tax under this Act owing to the Crown, and the provisions of this Act relating to collection of tax apply with necessary modifications to the said amount.

Importers to collect and remit tax

(5) Every importer who sells clear fuel in Ontario shall collect and remit to the Treasurer, at the time and in the manner prescribed, the tax imposed by the Act in respect of such clear fuel, and for the purpose of collecting such tax, every importer is an agent of the Minister.

Idem

(6) Every importer shall remit to the Treasurer, at the time and in the manner prescribed, the tax payable by him in respect of all clear fuel imported by him into Ontario for his own use or the use of others at his expense.

Minister may demand information

12.—(1) If the Minister, in order for him to assess the tax collectable or payable by any person under this Act or for any other purpose, desires any information or additional information, or a return from any person who has not made a return or a complete or sufficient return, he may, by registered letter, demand from such person or from the president, manager, secretary, or any director, agent or representative of any person, such information, additional information or return, and the per-

son upon whom the demand is made shall deliver to the Minister the information, additional information or return within the time specified in the registered letter.

Production of letters, accounts, etc.

(2) The Minister may, by registered letter, require the production under oath or otherwise by any collector, importer, registered consumer, interjurisdictional carrier or purchaser, or by the president, manager, secretary, or any director, agent or representative of any of them, or by any person, partnership or trust who has been, is or may become indebted to such collector, importer, registered consumer, interjurisdictional carrier or purchaser, or by any partner, agent or official of any such person, partnership or trust, of any letters, accounts, invoices, statements or other documents.

Records to be kept

(3) If a person fails or refuses to keep adequate books of account for the purpose of ascertaining the amount of tax payable by him or payable and collectable by him, as the case may be, the Minister may require such person to keep such records and accounts as the Minister specifies for such length of time as the Minister requires.

Penalty

(4) For every default in complying with subsection (1), (2) or (3), the person in default is guilty of an offence and on conviction is liable to a fine of $50 for each day during which the default continues.

Notice of assessment

13.—(1) After examination of the return of a person from whom a return was demanded, the Minister may send a notice of assessment to such person altering the amount of tax shown to be collectable by the person or to be payable by the person in his return, and any additional tax found to be collectable or payable, as the case may be, over the amount shown in the return shall be assessed.

Idem

(2) The Minister may at any time he considers reasonable assess any tax collectable or payable by any person under this Act and shall send a notice of assessment requiring the person to transmit the tax assessed forthwith to the Treasurer.

Assessment on inspection

(3) Where it appears from an inspection, audit or examination of the books of account, records or documents of any collector, importer, registered consumer, interjurisdictional carrier or purchaser that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collected or payable in such manner and form and by such procedure as the Minister considers adequate and expedient, and the Minister shall assess the amount of tax collected or payable.

(4) The Minister may at any time he considers reasonable assess against a collector the costs of any dye provided in accordance with this Act or the regulations for which the collector cannot account when required to do so and for any dye which is misused by reason of its mixture with fuel in quantities other than the quantities prescribed. Assessment for dye costs

(5) Every person who fails to collect tax that he is responsible to collect under this Act or the regulations shall, when assessed therefor, pay a penalty equal to the amount of tax that he failed to collect. Penalty for non-collection of tax

(6) The Minister may assess under this section any person who has received a refund under this Act or the regulations and who is not entitled to such refund, and such assessment shall be for the amount of the refund to which the person is not entitled and shall be accompanied by a brief statement in writing of the grounds upon which the person assessed is claimed not to be entitled to the amount claimed in the assessment. Erroneous refunds

(7) Where a person has, in accordance with this Act and the regulations, applied for or taken a refund under this Act or the regulations, and his claim is in whole or in part refused, the Minister shall cause to be served on such person a statement of disallowance in such form as the Minister shall prescribe, and the statement shall specify the amount of the disallowance and the reasons therefor. Disallowance of refund

(8) A statement under subsection (7) or a notice of assessment made under this section may be served by sending such statement or notice by prepaid mail to the person whose claim is refused or against whom an assessment is made under this section, as the case may be, at his last known address, or by serving such notice on him personally. Notice of assessment

(9) Any person assessed shall, within one month of the date of service of an assessment made against him, transmit the tax claimed in the assessment whether or not an objection or appeal from the assessment is outstanding, and if such person fails to transmit the tax at the time required, he shall pay to the Treasurer interest at the rate prescribed upon the tax from the due date to the date of transmission to the Treasurer. Payment of tax assessed

(10) No assessment of tax or penalty provided for in this section shall be made with respect to tax that should have been collected more than three years immediately preceding the day of the assessment, except that, where the Minister establishes that the person has made a misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in making a return or in supplying any information under Limitation on assessment

this Act or the regulations or in omitting to disclose any information, then the Minister may, where he considers it expedient, impose the penalty or assess for tax in respect of tax that should have been paid or collected more than three years prior to the date of assessment.

Assessment conclusive

(11) Subject to being vacated or varied on a objection or appeal, a statement or assessment under this section shall be deemed to be valid and binding and the amount assessed in any such assessment shall, for the purposes of the collection or recovery thereof, be deemed to be tax owing under this Act and be conclusively established as a debt owing to Her Majesty the Queen in right of Ontario.

Notice of objection

14.—(1) Where a person objects to an assessment or statement or disallowance under section 13, he may, within ninety days from the service of the assessment or statement of disallowance serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Service of notice

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister.

Exception

(3) The Minister may accept a notice of objection under this section notwithstanding that it was not served in duplicate or in the manner required by subsection (2).

Reconsideration

(4) Upon receipt of the notice of objection, the Minister shall with all due dispatch reconsider the assessment or statement of disallowance objected to and vacate, confirm or vary the assessment or statement of disallowance or reassess or serve a fresh statement of disallowance and he shall thereupon notify the person making the objection of his action by letter, either sent by registered mail to, or personally served on, the person.

Appeal

(5) When the Minister has given the notification required by subsection (4), the person who has served a notice of objection under this section may appeal to the Supreme Court to have the assessment or statement of disallowance so objected to vacated or varied, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to or served on such person under subsection (4).

Appeal how instituted

(6) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the appellant resides or has his place of business.

Service

(7) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister or by personal service.

Statement of allegations

(8) The appellant shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in support of his appeal, and an address in Ontario where the appellant may be served.

Reply to notice of appeal

(9) The Minister shall with all due dispatch serve on the appellant and file in the Supreme Court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on, and where the Minister fails to serve the reply within 180 days from the date of service upon him of the notice under subsection (6), the appellant may, upon twenty-one days' notice to the Minister, apply to a judge of the Supreme Court for an order requiring the reply to be served within such time as the judge shall order, and the judge may, if he considers it proper in the circumstances, also order that, upon failure of the Minister to serve the reply in the time specified in the order, the assessment or notice of disallowance with respect to which the appeal is made shall be vacated and any tax pursuant to such assessment shall be repaid to the appellant or the refund disallowed be paid to the appellant, but nothing in this section revives an appeal that is void or affects a statement of disallowance or assessment that has become valid and binding.

Matter deemed action

(10) Upon the filing of the material referred to in subsections (5) and (9), with the Registrar of the Supreme Court or the local registrar of the Supreme Court, the matter shall be deemed to be an action in the court and the practice and the procedure of the court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed an action under this subsection, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

Proceedings *in camera*

(11) Proceedings under subsections (5), (9), (10), (12) and (13) may be held *in camera* on request made to the court by the appellant or by the Minister.

Disposal of appeal

(12) The Court may dispose of the appeal by such order as it considers just and the Minister shall, subject to the final decision of any court to which the order is appealed, vacate or vary, where necessary, the assessment or statement of disallowance so as to carry out the final order of the court.

Court may order refund

(13) The court may, in delivering judgment disposing of an appeal, order payment of a refund of tax by the appellant or the Treasurer, as the case may be, and may make such order as to costs as it considers proper.

Irregularities

(14) An assessment shall not be vacated or varied on adjudication by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act.

Extension

(15) The time within which a notice of objection under subsection (1) or a notice of appeal under subsection (5) is to be served may be extended by the Minister if application for extension is made prior to the expiration of the time of service of that notice of objection or notice of appeal.

Certificate to prove unpaid tax

15.—(1) The Minister or Deputy Minister of Revenue shall determine the amount of tax referred to in subsection 2 (7) or in subsection 3 (6) or in subsection 4 (8) or (10) or in subsection 8 (10) or (13) or in section 27 from such information as is available to him and shall issue a certificate as to the amount, and such certificate that is signed or that purports to be signed by the Minister or Deputy Minister of Revenue and that states the amount of tax that should have been collected or paid is *prima facie* evidence of the amount of tax that should have been collected or paid and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Compliance of Minister, etc., to be proved by affidavit

(2) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Minister, as well as the failure of any person to comply with the requirements of this Act, are sufficiently proved in any court by affidavit of the Minister or any officer of the Ministry of Revenue.

Analysis of fuel

(3) The Minister may authorize any person he designates to analyze fuel under this Act and the Minister may prescribe the form of the certificate of analysis to be issued by that person.

Idem

(4) In any proceeding instituted under this Act, the certificate of analysis of fuel made under subsection (3) and signed by a person authorized by subsection (3) to make the analysis is *prima facie* evidence of the facts stated therein and of the authority of the person signing the certificate to make the analysis, without other proof of his appointment or signature.

When information to be laid

(5) Any information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

(6) Neither the application of any provision of this section or the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act. Remedies to be independent

16.—(1) Every person who makes a false statement in any return or in any information made or furnished to the Minister under this Act is guilty of an offence and on conviction is liable to a fine of not more than $1,000. False statements

(2) Any person who, being an officer, director or agent of a corporation, directed, authorized, assented to, acquiesced in or participated in the commission of any act that is an offence under this Act and for which the corporation would be liable for prosecution, is guilty of an offence, and on conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. Officers, etc., of corporations

17.—(1) Upon default of transmission to the Treasurer by any person of any tax that is collected and any tax or penalty that is payable by such person under this Act, Recovery of tax

(*a*) the Minister may bring an action for recovery thereof in any court of competent jurisdiction and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury; or

(*b*) the Minister may issue a warrant and direct it to the sheriff of any county or district in which any property of the person is located or situate for the amount of the tax, interest and penalty or any of them owing by the person together with interest thereon from the date of issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

(2) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act. Garnishment

(3) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. Idem

Liability of debtor

(4) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of garnishee

(5) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act, carries on business under a name and style other than his own name, the registered or other letter under subsection (2) may be addressed to the name and style under which he carries on business and in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(6) Where persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act, carry on business in partnership, the registered or other letter under subsection (2) may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

Garnishment of wages R.S.O. 1980, c. 526

(7) Subject to the *Wages Act,* where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Failure to remit

(8) Where any person without reasonable excuse fails to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Investigations

18.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act or the regulations may at all reasonable times enter and examine any motor vehicle powered by fuel or enter into any premises where any business is carried on or any property is kept or anything is done in connection with any business or where any

books or records are or should be kept under this Act or the regulations, and may,

(*a*) audit or examine the books, records, accounts, vouchers, letters, telegrams or other documents that relate or may relate either to the information that is or should be in the books or records or to the amount of tax that is or should be collected, payable or remitted under this Act or the regulations;

(*b*) examine any fuel or motor vehicle or the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act or that should be remitted or collected under this Act or the regulations;

(*c*) require a purchaser, retailer, wholesaler, importer, collector, registered consumer or interjurisdictional carrier or an operator of a motor vehicle liable to collect or pay or considered possibly liable to collect or pay tax under this Act or if such person is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof or any other person on the premises of such person or in the motor vehicle of such operator to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises with him;

(*d*) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings;

(*e*) take samples of any fuel to ascertain whether any fuel tank or storage tank contains coloured fuel or clear fuel for the purpose of determining the amount of any tax payable under this Act or, in the case of a storage tank purported by the custodian of the fuel to contain coloured fuel, to ascertain if the fuel contains dye in the proportion prescribed for colouring fuel; and

(*f*) detain any motor vehicle suspected, after an examination of the fuel in the fuel tank of the motor vehicle, of containing fuel other than clear fuel contrary to the provisions of this Act and the regulations and to question the person in charge of the motor vehicle and examine invoices and any other documents in his possession.

Idem

(2) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by registered letter or by a demand served personally, require from any purchaser, retailer, wholesaler, importer, collector, registered consumer or interjurisdictional carrier or from the owner or operator of a motor vehicle, or if any of them is a partnership or a corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

(*a*) any information or a return as required under this Act or the regulations; or

(*b*) production or production on oath of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Minister may for any purpose related to the administration or enforcement of this Act or the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Ministry of Revenue, together with such members of the Ontario Provincial Police Force or other police officers as he calls upon to assist him and such other persons as are named therein to enter and search, if necessary by force, any building, receptacle or place, or any motor vehicle powered by fuel, for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Production of evidence to prove tax payable by another person

(4) The Minister may, by registered letter or by a demand that is served personally, require the production, under oath or otherwise, by any person, partnership or trust, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, syndicate or trust, or of his or its agent or officer for the purpose of determining what tax, if any, is collectable, payable or collected under this Act by any

person and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

Copies

(5) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

Interference

(6) No person shall hinder or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing.

Compliance

(7) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything that he is required by this section to do.

Offence

(8) Every person who contravenes this section or who fails to provide any information or make any return requested under this section is guilty of an offence and on conviction is liable to a fine of $50 for each day during which the offence continues.

Liabililty for damage to screens and filters

(9) The Crown or any servant thereof or any person acting in the administration or enforcement of this Act is not liable for any damage to a screen, filter or other device installed in, on or about the intake of a fuel tank or a storage tank and which impedes access to the tank by equipment required by and used by a person authorized by the Minister under this Act and the regulations to take samples of fuel where such screen, filter or other device is not removed or not removable by the person in charge of the tank or motor vehicle at the time a sample of fuel is to be taken or for any compensation to any person for any fuel taken as a sample for the purpose of this Act or the regulations.

Information on bulk shipments of fuel

19.—(1) Every person carrying fuel in a motor vehicle in a tank other than the fuel tank of the motor vehicle, and the operator of every such motor vehicle, shall, when requested by the Minister or any person authorized by the Minister, provide any or all of the following information,

(*a*) the name and address of any person from whom the fuel being carried was obtained, and the name and address of any person to whom the fuel so obtained was delivered or is to be delivered;

(*b*) the quantity of fuel delivered or to be delivered to any person;

(*c*) the use or intended use, if known, to be made of any fuel delivered or to be delivered from such motor vehicle,

and where no written evidence substantiating such information is available at the time that the request is made, the person to whom the request is made shall orally supply the information and may be required to certify in writing any of such oral statements.

Detention of motor vehicle

(2) Where the information required to be furnished by subsection (1) is not given, or where the information that is furnished is false, the motor vehicle may be detained by the Minister until the information is provided or until the true information is provided, and during any such detention, the Crown shall not be liable for any damages to the motor vehicle, its contents, cargo or freight, or to its owner or operator or otherwise that may occur or be alleged to occur by reason of the detention of the motor vehicle pending the furnishing of the information required by subsection (1) or the furnishing of accurate information as required by subsection (1).

Idem

(3) Any person authorized by the Minister may,

(*a*) stop and detain any motor vehicle capable of transporting fuel and any container capable of holding fuel as cargo;

(*b*) examine and take samples of the fuel being transported by any motor vehicle or in the fuel tank of the motor vehicle;

(*c*) examine documents in the custody of the person in charge of the motor vehicle related to liability for tax on the purchase of fuel, the ownership of the motor vehicle and the identity of the person in charge of the motor vehicle;

(*d*) prohibit the sale or delivery as coloured fuel of any fuel carried, if the fuel contains less dye in proportion to fuel than is prescribed for colouring fuel.

Offence

(4) Every person who,

(*a*) neglects or omits to comply with stop signs set up by a person authorized to examine any motor vehicle or to obey the signals or orders of such person;

(*b*) refuses to permit the examination of any motor vehicle; or

(*c*) refuses or wilfully neglects to answer any question put to him by a person authorized to examine any motor vehicle,

is guilty of an offence and upon conviction is liable to a fine of not less than $200 and not more than $1,000.

Relief from interest

20. Where, owing to special circumstances, it is considered inequitable that the whole amount of interest payable under this Act be paid, the Minister may exempt a person from payment of the whole or any part of the interest.

Refund

21.—(1) The Minister may refund the full tax imposed by this Act where clear fuel on which the tax was paid, or, coloured fuel on which the tax was paid in error, was, in the opinion of the Minister, used exclusively,

(*a*) in the business of farming or commercial fishing; or

(*b*) in any business, industry or institution for any business, industrial or institutional purpose that is not prescribed by the Minister to be excluded from the application of this section,

but no refund of tax may be made with respect to fuel used to operate a motor vehicle licensed or required to be licensed under the *Highway Traffic Act*, or used in any motor vehicle operated or intended to be operated principally for the pleasure or recreation of its owner or operator.

R.S.O. 1980, c. 198

Application for refund

(2) A refund under this Act shall not be made unless an application therefor, accompanied by properly receipted invoices, is received by the Minister within,

(*a*) two years of the date when the tax a refund of which is sought was paid if that tax was paid prior to the 1st day of September, 1980;

(*b*) three years of the date when the tax a refund of which is sought was paid if that tax was paid on or after the 1st day of September, 1980,

and there shall be furnished to the Minister such evidence as he requires to satisfy him of the entitlement of the applicant to the refund claimed.

Over-payments

(3) Where a person has transmitted to the Treasurer an amount in excess of the tax collectable by him under this Act and of the taxes, interest and penalties payable by him under this Act, such excess amount shall be refunded to him upon his application therefor made within,

(*a*) two years of the date of his payment of such excess amount if that payment was made prior to the 1st day of September, 1980; or

(*b*) three years of the date of his payment of such excess amount if that payment was made on or after the 1st day of September, 1980,

and where any overpayment of tax by a person is the result of an assessment or reassessment or notice of disallowance under this Act or of the final decision of a court in proceedings commenced under section 14, such overpayment shall, notwithstanding subsection (2), be refunded without an application therefor.

Communication of information

22.—(1) Except as authorized by this section, no person employed by the Government of Ontario shall,

(*a*) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purpose of this Act; or

(*b*) knowingly allow any person to inspect or have access to any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

Officials not compellable as witnesses

(2) Notwithstanding any other Act, but subject to subsection (3), no person employed by the Government of Ontario shall be required, in connection with any legal proceedings,

(*a*) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or

(*b*) to produce any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

Exceptions for legal proceedings

(3) Subsections (1) and (2) do not apply in respect of,

(*a*) criminal proceedings under any Act of the Parliament of Canada; or

(*b*) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or

(*c*) proceedings relating to the administration or enforcement of this Act or the collection or assessment of tax under this Act.

Exceptions for internal administration

(4) A person employed by the Government of Ontario may, in the course of his duties in connection with the administration or enforcement of this Act,

(*a*) communicate or allow to be communicated to an official or authorized person employed by the Government of Ontario in the administration and enforcement of any laws relating to the raising of revenues for provincial purposes any information obtained by or on behalf of the Minister for the purposes of this Act; and

(*b*) allow any official or authorized person employed by the Government of Ontario in the administration or enforcement of any laws relating to the raising of revenues for provincial purposes to inspect or have access to any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

Exception for objection or appeal

(5) Notwithstanding anything in this Act, the Minister may permit a copy of any record or thing obtained by him or on his behalf for the purposes of this Act to be given to,

(*a*) the person from whom the record or thing was obtained; or

(*b*) any person,

(i) for the purpose of any objection or appeal that has been or may be taken by that person under this Act arising out of an assessment of tax under this Act in connection with which the record or thing was obtained, or

(ii) by whom any amount payable under this Act is payable or has been paid; or

(*c*) the legal representative of any person mentioned in clause (*a*) or (*b*) or the agent of any such person authorized in writing in that behalf.

Exception for tax enforcement in other jurisdictions

(6) Notwithstanding anything in this Act, the Minister may permit information or a copy of any record or thing obtained by him or on his behalf for the purposes of this Act to be given to,

(*a*) a minister of the Government of Canada or any officer or employee employed under a minister of the Government of Canada for the purpose of administering or

enforcing an Act of the Parliament of Canada imposing any tax or duties; or

(*b*) a minister of the government of any province or territory of Canada or officer or employee employed under that minister, for the purpose of administering or enforcing an Act or ordinance of the Legislature of that province or territory imposing any tax or duty,

if the minister of the Government of Canada or the minister of the government of any province or territory, as the case may be, is permitted to give to the Minister information or copies of any record or thing obtained by or on behalf of the minister of the Government of Canada, or the minister of the government of that other province or territory, as the case may be, in the administration or enforcement of that Act for the purposes of the administration or enforcement of this Act.

Exception for statistical information

(7) Notwithstanding anything in this Act, the Minister may communicate or allow to be communicated to an official of the Ministry of Treasury and Economics, solely for the purpose of evaluating and formulating tax policy, information obtained under this Act.

Offence

(8) Every person who contravenes any provision of this section is guilty of an offence and on conviction is liable to a fine of not more than $200.

Inter-provincial settlement of competing tax claims

23. For the purpose of simplifying compliance with this Act and the administration and collection of the tax imposed by this Act, and in order to provide for reciprocal arrangements to settle competing claims for tax on the acquisition and use of fuel by persons carrying on business in more than one province or territory of Canada, the Lieutenant Governor in Council may, upon the recommendation of the Minister and on such terms and conditions as are considered necessary and expedient, enter into an agreement with any province or territory of Canada that tax paid to one jurisdiction on the acquisition there of fuel that is transferred to the other jurisdiction and that becomes liable to tax in such other jurisdiction under this Act or any similar legislation in force in such other jurisdiction may be paid by one jurisdiction to the other in reduction of the liability to such tax arising in the jurisdiction receiving such payment and in lieu of refunding such tax to the person who paid it and who became liable for similar tax in such other jurisdiction.

Remedies for recovery of tax and penalties

24. The use of a remedy does not bar or affect any other remedy, and the remedies provided by this Act for the recovery and enforcement of payment or collection, or both, of any tax or penalty, or both, imposed by this Act are in addition to other

remedies existing by law, and no action or other proceeding in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise.

25.—(1) Every collector shall, Responsibilities of collector

(*a*) ensure that any dye furnished by the Minister to colour fuel which is in the collector's possession is kept in a sealed container in a secure place and is used for no other purpose than the colouring of fuel in the manner prescribed; and

(*b*) immediately report to the Minister any breakdown or malfunction of the equipment or any failure to follow any of the methods and procedures prescribed by the Minister to be followed and observed in the colouring of fuel or in the storage, transportation or delivery of coloured fuel,

and to ensure compliance with this subsection, any person thereunto authorized by the Minister may shut down and test all equipment used for the dyeing, storing, transportation or delivery of coloured fuel.

(2) Any person who owns or operates any equipment used to colour, store, transport or deliver coloured fuel that does not bear the identifying labels or seals prescribed by the Minister is guilty of an offence and upon conviction is liable to a fine of not more than $20,000. Offence

(3) All dye furnished by the Minister to a collector for the purpose of colouring fuel remains the property of Her Majesty the Queen in right of Ontario until it is mixed with fuel by the collector. Dye is property of Crown

26. Any person who, Offence

(*a*) destroys or removes or attempts to destroy or remove, in any manner, the dye in any coloured fuel;

(*b*) mixes or combines coloured fuel with any other type or grade of fuel;

(*c*) removes, breaks or alters a seal or identifying label affixed to any tank, drum or machine in accordance with this Act or the regulations without the prior permission of the Minister; or

(*d*) stocks coloured fuel on premises where clear fuel is sold to purchasers unless the coloured fuel is contained in a

separate tank or cistern and the pump delivering the fuel from that separate tank or cistern is clearly marked to indicate that coloured fuel is being delivered,

is guilty of an offence and is liable upon conviction to a fine of not less than $200 and not more than $5,000 for each offence.

Offence

27. Any person who,

R.S.O. 1980, c. 198

(*a*) delivers coloured fuel into the fuel tank of a motor vehicle licensed under the *Highway Traffic Act*;

(*b*) sells coloured fuel knowing that it will be used for a purpose that would render it taxable under this Act,

is guilty of an offence and upon conviction is liable to a fine equal to the tax payable with respect to the fuel so sold or delivered plus a fine of not less than $100 and not more than $2,000.

Offence

28. Any person who contravenes any provision of this Act or the regulations, for which contravention no penalty is otherwise provided, is guilty of an offence and is liable upon conviction to a fine of not less than $50 and not more than $1,000.

Transition

29.—(1) Where, on the day this Act comes into force, any person has in his possession clear fuel that is to be used by him for the purposes for which coloured fuel may be used under this Act or the regulations or in a manner that, in the opinion of the Minister, will not render the use of clear fuel liable to tax, any officer of the Ministry of Revenue may colour such fuel so held.

Idem
R.S.O. 1980, c. 300

(2) Where a person who was a registrant under the *Motor Vehicle Fuel Tax Act* before this Act came into force has in his possession on the day this Act comes into force clear fuel with respect to tax on which he was, under the *Motor Vehicle Fuel Tax Act* required to account to the Minister, the provisions of the *Motor Vehicle Fuel Tax Act* continue to apply to his obligations to account for tax and provide returns to the Minister until the 1st day of December, 1982 and no longer.

Hand dyeing

(3) Where the owner or operator of facilities for the storage and sale of substantial quantities of fuel establishes to the satisfaction of the Minister that, on the coming into force of this Act, such owner or operator,

(*a*) will not be able to provide separate facilities for the storage of clear and coloured fuel;

(*b*) is in the business of selling both clear and coloured fuel; and

(*c*) is making such efforts as the Minister considers reasonable to establish expeditiously separate facilities for the storage and sale of clear and coloured fuel,

the Minister may, for such length of time as he considers reasonable,

(*d*) authorize such owner or operator to acquire clear fuel that will be used as coloured fuel;

(*e*) designate such owner or operator a collector; and

(*f*) authorize such owner or operator to colour, in such manner as the Minister directs, fuel delivered by such owner or operator into any tank (other than a fuel tank) belonging to another,

and the Minister may require the furnishing of adequate security from, impose such conditions on, and enter into such arrangements with, such owner or operator as the Minister considers necessary and desirable to ensure compliance with this Act, the payment and collection of tax and the proper colouring and disposition of fuel acquired by such owner or operator, and if such owner or operator fails to carry out such arrangement or conditions, or to provide security required from him, the authorizations and designation given and made under this subsection are thereupon revoked and of no further force or effect.

Regulations by L.G. in C.

30.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) excluding products from this Act;

(*b*) exempting any class of persons from the payment of the tax imposed under this Act;

(*c*) exempting from a part or all of the tax imposed by this Act fuel that will be used by specified persons or in a specified manner or in a specified type of machinery or class of industry, and relieving collectors from their obligation of collecting a part or all of the tax on fuel so used;

(*d*) providing for the furnishing to the Minister by persons of information relating to the sale or delivery by them of fuel that is exempt from the tax imposed by this Act;

(*e*) prescribing rates of interest payable under this Act;

(*f*) providing for the calculation and payment of interest on amounts paid in excess of the tax imposed by this Act, and prescribing the rate of such interest;

(*g*) providing for the refund in special circumstances of the whole or any part of the tax imposed by this Act, and prescribing the terms and conditions under which such refund may be made;

(*h*) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry of Revenue to exercise any power or perform any duty conferred or imposed by this Act;

(*i*) prescribing a system of compensation to reimburse collectors for a part or all of their costs incurred in colouring fuel, designating classes of collectors and fixing the rate or rates of compensation to be paid to each class per litre of fuel coloured, and providing for a maximum amount of compensation to collectors and for the method by which such compensation may be deducted from the tax to be remitted in accordance with this Act;

(*j*) defining any word or expression used in this Act that has not already been expressly defined in this Act;

(*k*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Regulations by Minister

(2) The Minister may make regulations,

(*a*) prescribing any form that is required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain;

(*b*) prescribing the taxable price per litre of fuel to be in effect from time to time and the period of time for which such price shall be in effect;

(*c*) fixing to the nearest tenth of a cent the tax per litre of fuel to be paid under this Act as a result of the prescribing from time to time of a taxable price per litre in accordance with clause (*b*);

(*d*) providing for the refund of any tax or any portion thereof paid under this Act to any purchaser or class of purchasers and prescribing the records and material to be furnished upon application for a refund;

(*e*) prescribing purposes for which fuel is used that are excluded from the application of section 21;

(*f*) prescribing additional information to be contained in any fuel acquisition permit or registration certificate issued under this Act, and attaching additional conditions to the use of any such permit or certificate;

(*g*) prescribing records to be kept by persons, information to be shown and a return to be delivered by a person, and prescribing times or periods of time, in lieu of those mentioned in section 10, and which, or with respect to which, a return shall be delivered by any person or class of persons;

(*h*) prescribing, for the purpose of subsection 2 (2) any manner of disposing of or consuming fuel;

(*i*) prescribing the conditions and restrictions affecting registered consumers and interjurisdictional carriers and the method of paying the tax imposed by this Act to be followed by all registered consumers and interjurisdictional carriers;

(*j*) requiring persons who refine, import and sell fuel, including fuel for the heating of homes and buildings, to become collectors under this Act for the purpose of colouring and selling fuel for tax exempt usage and selling clear fuel for taxable use, accounting for, collecting or facilitating the administration of the tax imposed by this Act;

(*k*) prescribing the method of collecting and paying the tax imposed by this Act to be followed by any collector, importer, registered consumer or interjurisdictional carrier;

(*l*) prescribing who may colour fuel, the location of dye-points where a collector may colour fuel and the process a collector shall use to colour and dispense coloured fuel;

(*m*) prescribing standards and requirements for equipment to be used in colouring fuel;

(*n*) prescribing the type and amount of dye in proportion to fuel to be used to colour fuel and the conditions under which fuel may be coloured using a manual process;

(*o*) prescribing the responsibilities of collectors for the receipt, safe custody, use and accounting for dye and to allow seals as provided by the Minister, to be affixed as deemed appropriate by a person authorized by the Minister for this purpose, to dye injector equipment;

(*p*) prescribing conditions under which an importer shall colour fuel;

(*q*) prescribing anything permitted or required by the Act to be prescribed.

Retroactivity

(3) A regulation is, if it so provides, effective with reference to a period before it was filed and not earlier than the day this Act comes into force.

Grants for fuel storage tanks

31.—(1) The Lieutenant Governor in Council may make regulations establishing a program to extend to small businesses or enterprises that are independent of major distributors and refiners of fuel and to farmer's co-operatives relief from the cost of construction or acquisition of tanks for the storage or transportation of fuel and other facilities required, as a result of the colouring of fuel under this Act and the regulations, to maintain business at the level of the 19th day of May, 1981, and, without limiting the generality of the foregoing, may prescribe,

(*a*) the classes of persons, businesses or undertakings who may apply to receive relief under the program and to whom relief under this section may be provided;

(*b*) the structures, facilities and expenditures with respect to which relief may be provided;

(*c*) the form and method of application for relief under this section and the information and documentation required to be filed by the applicant in support of the application;

(*d*) the requirements, terms and conditions for eligibility under the program and provision for any bond, lien, deposit, undertaking or other security that those requirements, terms and conditions will be met,

but nothing in this section authorizes the Lieutenant Governor in Council to provide relief under the program in excess of $65,000 for any single installation, acquisition or required modification or to provide relief where an application for relief is made after the 31st day of March, 1985.

(2) The applicant for relief under subsection (1) must obtain approval of the Minister prior to the commitment of any funds for the construction of the structure or facility with respect to which a grant is claimed. Time of application

(3) Until the Legislature appropriates funds to meet payments that may be made under this section, such payments may be made from the Consolidated Revenue Fund. Payments from the Consolidated Revenue Fund

(4) A regulation under this section may be effective from a time prior to the coming into force of this Act, but not earlier than the day this Act receives Royal Assent. Retroactivity

32. The *Motor Vehicle Fuel Tax Act*, being chapter 300 of the Revised Statutes of Ontario, 1980, is repealed. Repeal

33. This Act comes into force on the 1st day of September, 1982. Commencement

34. The short title of this Act is the *Fuel Tax Act, 1981*. Short title

An Act to revise the
Motor Vehicle Fuel Tax Act

1st Reading

November 12th, 1981

2nd Reading

3rd Reading

THE HON. G. L. ASHE
Minister of Revenue

(*Government Bill*)

1981

BILL 166

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to revise the Motor Vehicle Fuel Tax Act

THE HON. G. L. ASHE
Minister of Revenue

TORONTO
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BILL 166 1981

An Act to revise the Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "bulk plant" means a storage facility that is capable of holding petroleum in storage for subsequent sale or delivery in bulk of such petroleum to wholesalers, retail dealers or purchasers but from which petroleum is not sold or delivered directly into the fuel tank of a motor vehicle;

(*b*) "clear fuel" means fuel which contains no dye or less dye than the minimum quantity of dye prescribed;

(*c*) "collector" means a person designated in writing by the Minister to colour and distribute coloured fuel and clear fuel and to collect and remit to the Treasurer the tax collectable and payable on sales of clear fuel in accordance with the provisions of this Act and the regulations;

(*d*) "coloured fuel" means fuel which contains dye in an amount equal to or in excess of the amount prescribed for the purpose of this clause;

(*e*) "colouring" and "colour" in respect of fuel mean the addition to fuel of dye in the proportion prescribed by a person so authorized by the Minister;

(*f*) "dye" means chemical substances prescribed for the purpose of blending with fuel to make coloured fuel;

(*g*) "dye-point" means a terminal designated by the Minister for the purpose of colouring fuel;

(*h*) "fuel" means any gas or liquid that may be used for the purpose of generating power by internal combustion, and includes any substance added thereto, but does not include,

(i) any product that is excluded from this Act by the regulations and to which subsection 4 (5) does not apply,

(ii) gasoline on which the tax imposed by the *Gasoline Tax Act* has been paid, or

R.S.O. 1980, c. 186

(iii) aviation fuel on which the tax imposed by the *Gasoline Tax Act* has been paid and that is used to create power to propel an aircraft;

(*i*) "fuel tank" means that part of a motor vehicle in which fuel for generating power in the motor vehicle is kept;

(*j*) "importer" means any person, other than a collector, who receives in Ontario fuel from a person outside Ontario, or who brings into Ontario fuel for the purpose of resale in Ontario or for his own use or the use of others at his expense in Ontario;

(*k*) "interjurisdictional carrier" means a person who engages in the commercial transportation of goods or passengers and who operates for such purpose,

(i) one or more motor vehicles licensed or required to be licensed under the *Highway Traffic Act* and operating inside and outside Ontario,

R.S.O. 1980, c. 198

(ii) one or more motor vessels operating under the *Canada Shipping Act*, or

R.S.C. 1970, c. S-9

(iii) railway equipment operated on rails in connection with and as part of a public transportation system;

(*l*) "Minister" means the Minister of Revenue;

(*m*) "motor vehicle" means a machine operated, propelled or driven otherwise than by muscular power;

(*n*) "prescribed" means prescribed by the regulations;

(*o*) "purchaser" means a person who acquires or receives fuel for his own use or consumption or for the use or consumption by others at his expense, or on behalf of,

or as agent for, a principal who desires to acquire the fuel for use or consumption by him or other persons at his expense;

(*p*) "registered consumer" means the holder of a valid fuel acquisition permit under this Act;

(*q*) "regulations" means the regulations made under this Act;

(*r*) "retail dealer" means a person who sells fuel to a purchaser;

(*s*) "tax" includes all penalties and interest and includes dye costs assessed under section 13 that are or may be added to a tax under this Act;

(*t*) "taxable price per litre" of fuel means the price per litre from time to time prescribed by the Minister as the taxable price per litre of fuel for such period of time as the Minister may prescribe, and in determining the taxable price per litre of fuel, the Minister shall use the median price obtained by him from such periodic sampling as he considers appropriate of the retail prices (excluding the tax imposed by this Act) of fuel in such part or parts of Ontario as he shall direct a sample to be taken, provided that no change in the taxable price per litre of fuel from time to time in effect shall come into force until at least two days after the filing of a regulation prescribing a different taxable price per litre of fuel;

(*u*) "terminal" means a storage facility to which petroleum is conveyed from a refinery and which is capable of holding petroleum in storage for resale and receiving petroleum by pipeline or water craft;

(*v*) "Treasurer" means the Treasurer of Ontario and Minister of Economics.

Registered consumer

2.—(1) Every person desiring to be a registered consumer shall, by such form and in such manner as the Minister requires, apply for a fuel acquisition permit.

Issue of fuel acquisition permit by Minister

(2) Where the Minister is satisfied that the applicant for a fuel acquisition permit will be acquiring fuel principally to be consumed by the applicant in a manner prescribed for the purpose of this subsection, the Minister may issue a fuel acquisition permit to such applicant and the fuel acquisition permit may be made subject to such conditions and restrictions as the Minister consid-

ers necessary to ensure that fuel received by the applicant through his use of the fuel acquisition permit will be dealt with by the applicant in accordance with this Act and the regulations.

Refusal to issue, suspension or cancellation

(3) The Minister may refuse to issue a fuel acquisition permit to any applicant or may suspend or cancel any fuel acquisition permit if the applicant for the fuel acquisition permit or a registered consumer contravenes or has permitted the contravention of the provisions of this Act or the regulations or the conditions or restrictions upon which his certificate was issued or, in the case of an applicant for a fuel acquisition permit, fails to satisfy the Minister of the applicant's ability to perform the conditions proposed by the Minister to be attached to the issue of the fuel acquisition permit.

Hearing

(4) Where the Minister intends to refuse to issue a fuel acquisition permit or intends to suspend or cancel any fuel acquisition permit, the applicant or registered consumer, as the case may be, shall, subject to subsection (5) and before the refusal, cancellation or suspension, be afforded an opportunity, at a hearing before the Minister or some other person authorized by the Minister to hold the hearing, to show cause why the issue of a fuel acquisition permit should not be refused or why the fuel acquisition permit should not be suspended or cancelled, whichever is the case.

Suspension forthwith

(5) Where a registered consumer fails to remit the tax that is payable by him under this Act at the time and in the manner required by this Act or the regulations, the Minister may, by notice in writing to the registered consumer and without a hearing, suspend forthwith the registered consumer's fuel acquisition permit, and the notice shall state the failure of the registered consumer for which his permit is suspended and shall fix a day, not more than fifteen days after the date of the suspension, for a hearing before the Minister or some person authorized by him to hold the hearing to determine whether the registered consumer's suspension should be rescinded or continued and upon what conditions the suspension may be rescinded or continued.

Service of notice

(6) A notice of hearing under subsection (4) or (5) is properly served either by personal service or by registered mail sent to the last known address of the registered consumer or applicant, as the case may be.

Offence

(7) Every person who, being a registered consumer, contravenes this Act or the regulations or any condition or restriction contained in his fuel acquisition permit issued under this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax, if any, that should have been paid or remitted by such person in compliance with

this Act or the regulations, plus an additional amount of not less than $500 and not more than $5,000.

Interjurisdictional carriers must register

3.—(1) Every interjurisdictional carrier required to hold a registration certificate under this section shall, by such form and in such manner as the Minister requires, apply for a registration certificate and the Minister may issue a registration certificate to the applicant subject to such conditions and restrictions as the Minister considers necessary to ensure compliance with this Act and the regulations.

Refusal to issue, suspension or cancellation

(2) The Minister may refuse to issue a registration certificate to any applicant or may suspend or cancel any registration certificate if the applicant or the holder of a registration certificate contravenes or has permitted the contravention of the provisions of this Act or the regulations or the conditions or restrictions upon his registration certificate or, in the case of an applicant for a registration certificate, fails to satisfy the Minister of the applicant's ability to perform the conditions proposed by the Minister to be attached to the issue of the registration certificate.

Hearing

(3) Where the Minister intends to refuse to issue a registration certificate or intends to suspend or cancel a registration certificate, the applicant or holder of a registration certificate, as the case may be, shall, subject to subsection (4) and before the refusal, cancellation or suspension, be afforded an opportunity, at a hearing before the Minister or some person authorized by the Minister to hold the hearing, to show cause why the issue of a registration certificate should not be refused or why the registration certificate should not be suspended or cancelled, whichever is the case.

Suspension forthwith

(4) Where the holder of a registration certificate fails to remit the tax that is payable by him under this Act at the time and in the manner required by this Act or the regulations, the Minister may, by notice in writing to the holder of the registration certificate and without a hearing, suspend forthwith the registration certificate, and the notice shall state the failure of the holder of the registration certificate for which his certificate is suspended and shall fix a day, not more than fifteen days after the date of the suspension, for a hearing before the Minister or some person authorized by him to hold the hearing to determine whether the suspension of the registration certificate should be rescinded or continued and upon what conditions the suspension may be rescinded or continued.

Service of notice

(5) A notice of hearing under subsection (3) or (4) is properly served either by personal service or by registered mail sent to the last known address of the holder of the registration certificate or applicant, as the case may be.

Offence

(6) Every person who,

(*a*) operates as an interjurisdictional carrier in Ontario without holding a registration certificate required under this Act; or

(*b*) being the holder of a registration certificate, contravenes this Act or the regulations or any condition or restriction contained in his registration certificate issued under this Act or the regulations,

is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax, if any, that should have been paid or remitted by such person in compliance with this Act or the regulations, plus an additional amount of not less than $200 and not more than $2,000.

Tax

4.—(1) Every collector, importer, registered consumer and purchaser shall pay to the Treasurer a tax at the rate of 27 per cent of the taxable price per litre on each litre of clear fuel received or used in Ontario by him to generate power in a motor vehicle other than railway equipment, and shall, on each litre of clear fuel received or used in Ontario by him to propel railway equipment on rails where such equipment is operated in connection with and as a part of a public transportation system, pay to the Treasurer a tax at the rate of 8.37 per cent of the taxable price per litre of such fuel.

Idem

(2) The tax imposed by this Act shall not be increased or reduced by reason of the fact that the price or consideration paid or given by a collector, importer, registered consumer or purchaser for clear fuel is different from the taxable price per litre of that fuel.

Payment of tax

(3) Subject to subsection (5), the tax imposed by subsection (1) shall be paid at the time the clear fuel is supplied to the purchaser, or where the clear fuel is acquired by the purchaser outside Ontario, and imported into Ontario in the fuel tank of a motor vehicle at the time such fuel is used in Ontario, and the tax imposed by subsection (1) shall be paid to the Treasurer in accordance with section 11.

Security for tax

(4) Where a purchaser uses in Ontario clear fuel that was acquired outside Ontario, such purchaser shall, upon the demand of the Minister or of someone authorized by the Minister to make such a demand, furnish to the Minister security in cash or in such other form as is satisfactory to the Minister that is sufficient for the payment of all tax imposed by this Act on the use by such purchaser in Ontario of clear fuel on which the tax imposed by this Act has not been paid, and in the event that the

tax for which the security is given is not paid, the Minister may realize upon the security to the extent necessary to pay such tax.

Payment of tax

(5) Where any person places any product that is excluded from this Act by the regulations in a fuel tank of a motor vehicle that is licensed or required to be licensed under the *Highway Traffic Act*, the product thereupon becomes taxable as clear fuel under this Act and is no longer excluded from this Act, and the person so doing shall forthwith pay the tax imposed by this Act on such fuel to the Treasurer.

R.S.O. 1980, c. 198

Prohibited use of coloured fuel

(6) No collector or retail dealer shall place any coloured fuel in the fuel tank of a motor vehicle licensed or required to be licensed under the *Highway Traffic Act*.

Idem

(7) No person who is the operator or who is in charge of a motor vehicle licensed or required to be licensed under the *Highway Traffic Act* shall place or cause to be placed in the fuel tank of the motor vehicle any coloured fuel.

Offence

(8) Every person who knowingly fails to pay the tax imposed by subsection (1), (2) or (5) when required by this Act is guilty of an offence and on conviction is liable to a fine of not less than the amount of the tax that he failed to pay and of an additional amount that is not less than $100 and not more than $5,000.

Idem

(9) Every person who fails to comply with subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500.

Amounts in lieu of tax

(10) Where any person selling fuel receives any payment made as or in lieu of tax payable under this Act, such payment shall be dealt with and accounted for as tax under this Act, and any person who fails to deal with and account for such payment in accordance with this Act and the regulations is liable to the same penalties and fines, and is guilty of the same offences, as would apply if the payment were the tax payable under this Act, and the Minister may collect and receive such payment by the same remedies and procedures as are provided by this Act and the regulations for the collection and enforcement of the tax payable under this Act and, for the purposes of the assessment and collection of such payment, the person receiving such payment as or in lieu of the tax payable under this Act is deemed to be a collector.

Use of coloured fuel

(11) Coloured fuel may be used for any purpose prescribed by the Minister for the use of coloured fuel and for all purposes other than the generating of power in a motor vehicle or the propulsion of railway equipment operated on rails in connection with, and as a part of, a public transportation system.

Detention and examination of motor vehicle

5.—(1) For the purpose of ascertaining,

(*a*) whether tax imposed by this Act has been paid on clear fuel contained in the fuel tank of a motor vehicle or whether the fuel tank contains clear or coloured fuel;

(*b*) whether any tax imposed by this Act is payable on such fuel; or

(*c*) whether the operator of a motor vehicle is an interjurisdictional carrier holding a valid registration certificate or is required to hold such a certificate,

any person thereunto authorized by the Minister may stop and detain any motor vehicle in Ontario and may examine such motor vehicle, fuel in any fuel tank thereof and take samples of such fuel, and may demand the production forthwith of any valid registration certificate issued under this Act to the operator.

Offence

(2) Every operator of a motor vehicle that may be stopped and detained under subsection (1) who refuses to permit the detention and examination of such motor vehicle that is under his control, or who refuses to allow samples of fuel to be taken, or fails to produce forthwith a valid registration certificate issued to him under this Act, is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500 for each offence.

Idem

(3) Every operator of a motor vehicle that is found to contain coloured fuel in any fuel tank thereof, contrary to the provisions of this Act and the regulations, is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500 for each offence.

Burden of proof

(4) In any proceeding under subsection (3) it is not necessary to prove that coloured fuel was acquired and used in contravention of this Act, but only to prove that the fuel tank of a motor vehicle contained coloured fuel on the day of the examination under this section.

Subsequent offence

(5) The fact that the coloured fuel that was found in a fuel tank of a motor vehicle is the same coloured fuel that was found therein on another occasion that constituted an offence under subsection (3) is not a defence in a prosecution for a subsequent offence under that subsection if a period of more than twenty-four hours has elapsed since taking a sample of fuel from that motor vehicle.

Invoice

6.—(1) Every vendor shall inform every person to whom he sells fuel of the price of the fuel and shall deliver to him an invoice showing,

(*a*) the name of the vendor and of the purchaser;

(*b*) the selling price of the fuel;

(*c*) the amount of tax charged;

(*d*) the quantity of clear fuel sold;

(*e*) the quantity of coloured fuel sold; and

(*f*) the date of sale.

Responsibility of purchaser, etc.

(2) Upon the request of the Minister, every purchaser of fuel and every person in control of a motor vehicle that contains fuel shall furnish to the Minister proof that tax has been paid on such fuel or that no tax was payable under this Act on such fuel.

Security

7. The Minister may require any collector or registered consumer or importer to furnish security on such terms and conditions and in such amount as the Minister considers appropriate.

Designation of collector

8.—(1) The Minister may designate any person who is an operator or owner of a terminal to be a collector under this Act and in the case of each collector so designated, may specify the number and location of dye-points the collector may establish and operate.

Collector to collect tax

(2) Subject to subsections (3) and (4), every collector shall, at the times and in the manner prescribed, collect from any wholesaler, retail dealer or purchaser to whom the collector sells clear fuel, the tax collectable and payable under this Act, and for that purpose every collector is an agent of the Minister for the collection of the tax imposed by this Act and for the remittance thereof to the Treasurer.

Tax on clear fuel

(3) Unless the tax is collected at the time of sale, no collector shall sell clear fuel to any person who is not a registered consumer holding a fuel acquisition permit that allows him to purchase fuel without paying tax to a collector.

Sales to collectors

(4) Notwithstanding subsection (2) no collector shall collect the tax imposed by this Act on the sale by him of clear fuel to a collector who is not a purchaser in respect of such clear fuel.

Members of Assembly

(5) No individual designated a collector under subsection (1) shall by reason of such designation be made ineligible as a member of the Assembly.

Tax moneys are trust moneys

(6) Every person who collects any tax under this Act and every person who, being a collector or importer, is liable for tax

as a purchaser of clear fuel is deemed to hold such tax in trust for Her Majesty the Queen in right of Ontario and shall remit to the Treasurer all such tax at such time and in such manner as is required by this Act and the regulations.

Dye held in trust

(7) Every collector who possesses dye in accordance with the requirements of this Act and the regulations is deemed to hold the dye in trust for Her Majesty the Queen in right of Ontario for the purpose of using the dye in accordance with this Act and the regulations and is accountable for all such dye at the time and in the manner provided by the Act and the regulations.

Use of dye

(8) Every collector shall, when colouring fuel, use as a dye only such dye as shall be provided from time to time by the Minister and shall use only the quantity of dye that is required to colour fuel as prescribed.

Arrangements for collection

(9) For the purpose of ensuring and facilitating the collection of the tax under this Act, the Minister may enter into such arrangements or agreements with a collector as the Minister considers appropriate.

Offence

(10) Every collector who refuses or neglects to collect the tax in accordance with this Act is guilty of an offence and on conviction is liable to a fine of not less than the amount of the tax that he refused or neglected to collect and $500, and not more than the amount of the tax that he refused or neglected to collect and $10,000.

Collector to colour fuel

(11) Every collector shall colour fuel that is required to be coloured in strict accordance with such requirements as are prescribed by the Minister for the colouring of fuel, the equipment to be used therefor, and the methods and procedures to be followed and observed in the colouring of fuel and every collector who refuses or neglects to dye fuel in accordance with the requirements prescribed is guilty of an offence and on conviction is liable to a fine of not less than $1,000 and not more than $10,000.

Offence

(12) Every collector who sells as coloured fuel, fuel to which dye has not been added in accordance with the regulations is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Idem

(13) Every employee or agent of a collector who permits or authorizes or is a party to or acquiesces in supplying clear fuel to a purchaser without collecting the tax imposed by this Act is guilty of an offence and on conviction is liable to a fine equal to the amount of tax that should have been collected and $50.

(14) No retail dealer in Ontario shall sell or deliver to a purchaser any clear fuel without collecting from the purchaser the tax imposed by this Act, and for the purpose of collecting such tax, every retail dealer is an agent of the Minister. Retail dealers to collect tax from purchasers

(15) Every retail dealer who is not also a collector shall pay over the tax collected by him to a collector at the time and in the manner required by this Act and the regulations. Retail dealers to pay tax to collectors

9.—(1) The Minister may suspend or cancel the designation of any collector where the collector contravenes any of the provisions of this Act or the regulations. Desigation suspended or cancelled

(2) Subject to subsection (3) and before the cancellation or suspension of the designation, the collector shall be afforded an opportunity at a hearing before the Minister or some person authorized by the Minister to hold the hearing within ten days of the notice of suspension or cancellation to show cause why his designation as a collector should not be suspended or cancelled, as the case may be. Hearing

(3) Notwithstanding subsection (2), the Minister may suspend or cancel forthwith and without hearing, the authority granted to a collector for the operation of a dye-point where the collector contravenes any of the provisions of this Act and the regulations which apply to the operation of such dye-point and shall confirm in writing the suspension or cancellation of the authority as imposed and the collector shall be given an opportunity to appear before the Minister or some person authorized by the Minister to hold a hearing within ten days of the date of suspension or cancellation to show cause why the authority to operate the dye-point should be reinstated. Suspension forthwith

(4) Notice of a hearing to be held under subsection (2) is properly served if served either personally or by registered mail sent to the last known address in Ontario of the collector. Service of notice

(5) Notice of a suspension or cancellation under subsection (3) is properly served if served either personally or by registered mail sent to the address of the dye-point the operation of which is suspended or cancelled. Idem

10.—(1) Every collector, importer, interjurisdictional carrier and registered consumer shall, Returns

(*a*) without notice or demand and at the time and in the manner prescribed in the regulations; or

(*b*) on or before the day designated in the demand of the Minister served on the collector, importer, interjuris-

dictional carrier or registered consumer by hand or by registered letter,

deliver to the Minister such return as he requires for the purpose of carrying out this Act.

Verification of returns

(2) Every return shall be verified by the certificate of the collector, importer, interjurisdictional carrier or registered consumer and if the collector, importer, interjurisdictional carrier or registered consumer is not an individual, of its president or its resident manager or representative in Ontario, certifying that the financial and other statements of information included therein or attached thereto are in agreement with the books of the collector, importer, interjurisdictional carrier or registered consumer and exhibit truly, correctly and completely all information for the period covered by the return.

Penalty for failure to deliver return

(3) Every person who fails to make a return as required by subsection (1) shall pay a penalty of not less than $10 and not more than 5 per cent of the tax payable by him and 5 per cent of the tax collectable by him.

Offence

(4) Every person who fails to complete the information required in the return to be delivered to the Minister under subsection (1) is guilty of an offence and on conviction is liable to a fine of $50.

Time for making returns

(5) The Minister may enlarge the time for making any return before or after the time for making it.

Declarations and affidavits

(6) Declarations and affidavits in connection with returns under this Act may be taken before any person having authority to administer an oath, or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge a fee therefor.

Transmission of tax

11.—(1) Every collector, registered consumer or interjurisdictional carrier shall transmit with the return required by section 10 the amount of the tax payable by him or payable and collectable by him, as the case may be.

Deficiency

(2) Subject to subsection (3), where a collector, importer, registered consumer or interjurisdictional carrier transmits less than the amount of the tax payable by him or payable and collectable by him, as the case may be, he shall pay to the Treasurer interest at such rate as is prescribed upon the deficiency calculated from the date of default until the date of transmission to the Treasurer.

Where refund of tax claimed

(3) Where, in a return delivered by a collector, registered consumer or interjurisdictional carrier in accordance with this Act

and the regulations, it is shown that tax under this Act is payable by the collector, registered consumer or interjurisdictional carrier with respect to his use of fuel, and, where, at the time such return is delivered to the Minister, the collector, registered consumer or interjurisdictional carrier also applies for a refund under section 21 of some or all of such tax on fuel so used by him, he may, notwithstanding subsection (1), retain the amount a refund of which he claims until the refund for which he has applied is, in whole or in part, approved or refused by the Minister and notification thereof is sent to him, and upon receiving a statement of disallowance for all or part of the refund claimed, the collector, registered consumer or interjurisdictional carrier shall, with his next return or at such earlier time as is specified in the statement of disallowance, whether or not an objection or appeal from the statement of disallowance is made or taken, transmit to the Treasurer any amount a refund of which has been refused together with interest thereon at the rate prescribed for the period during which such amount has been retained by the collector, registered consumer or interjurisdictional carrier, and upon his being notified of the approval of the refund of any amount a refund of which has been claimed, the collector, registered consumer or interjurisdictional carrier may, subject to subsection (4), retain for his own use such amounts so approved.

Recovery of excess refunds

(4) Any amount refunded under this Act in excess of the amount to which the person receiving the refund was entitled shall be deemed to be tax under this Act owing to the Crown, and the provisions of this Act relating to collection of tax apply with necessary modifications to the said amount.

Importers to collect and remit tax

(5) Every importer who sells clear fuel in Ontario shall collect and remit to the Treasurer, at the time and in the manner prescribed, the tax imposed by the Act in respect of such clear fuel, and for the purpose of collecting such tax, every importer is an agent of the Minister.

Idem

(6) Every importer shall remit to the Treasurer, at the time and in the manner prescribed, the tax payable by him in respect of all clear fuel imported by him into Ontario for his own use or the use of others at his expense.

Minister may demand information

12.—(1) If the Minister, in order for him to assess the tax collectable or payable by any person under this Act or for any other purpose, desires any information or additional information, or a return from any person who has not made a return or a complete or sufficient return, he may, by registered letter, demand from such person or from the president, manager, secretary, or any director, agent or representative of any person, such information, additional information or return, and the per-

son upon whom the demand is made shall deliver to the Minister the information, additional information or return within the time specified in the registered letter.

Production of letters, accounts, etc.

(2) The Minister may, by registered letter, require the production under oath or otherwise by any collector, importer, registered consumer, interjurisdictional carrier or purchaser, or by the president, manager, secretary, or any director, agent or representative of any of them, or by any person, partnership or trust who has been, is or may become indebted to such collector, importer, registered consumer, interjurisdictional carrier or purchaser, or by any partner, agent or official of any such person, partnership or trust, of any letters, accounts, invoices, statements or other documents.

Records to be kept

(3) If a person fails or refuses to keep adequate books of account for the purpose of ascertaining the amount of tax payable by him or payable and collectable by him, as the case may be, the Minister may require such person to keep such records and accounts as the Minister specifies for such length of time as the Minister requires.

Penalty

(4) For every default in complying with subsection (1), (2) or (3), the person in default is guilty of an offence and on conviction is liable to a fine of $50 for each day during which the default continues.

Notice of assessment

13.—(1) After examination of the return of a person from whom a return was demanded, the Minister may send a notice of assessment to such person altering the amount of tax shown to be collectable by the person or to be payable by the person in his return, and any additional tax found to be collectable or payable, as the case may be, over the amount shown in the return shall be assessed.

Idem

(2) The Minister may at any time he considers reasonable assess any tax collectable or payable by any person under this Act and shall send a notice of assessment requiring the person to transmit the tax assessed forthwith to the Treasurer.

Assessment on inspection

(3) Where it appears from an inspection, audit or examination of the books of account, records or documents of any collector, importer, registered consumer, interjurisdictional carrier or purchaser that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collected or payable in such manner and form and by such procedure as the Minister considers adequate and expedient, and the Minister shall assess the amount of tax collected or payable.

Assessment for dye costs

(4) The Minister may at any time he considers reasonable assess against a collector the costs of any dye provided in accordance with this Act or the regulations for which the collector cannot account when required to do so and for any dye which is misused by reason of its mixture with fuel in quantities other than the quantities prescribed.

Penalty for non-collection of tax

(5) Every person who fails to collect tax that he is responsible to collect under this Act or the regulations shall, when assessed therefor, pay a penalty equal to the amount of tax that he failed to collect.

Erroneous refunds

(6) The Minister may assess under this section any person who has received a refund under this Act or the regulations and who is not entitled to such refund, and such assessment shall be for the amount of the refund to which the person is not entitled and shall be accompanied by a brief statement in writing of the grounds upon which the person assessed is claimed not to be entitled to the amount claimed in the assessment.

Disallowance of refund

(7) Where a person has, in accordance with this Act and the regulations, applied for or taken a refund under this Act or the regulations, and his claim is in whole or in part refused, the Minister shall cause to be served on such person a statement of disallowance in such form as the Minister shall prescribe, and the statement shall specify the amount of the disallowance and the reasons therefor.

Notice of assessment

(8) A statement under subsection (7) or a notice of assessment made under this section may be served by sending such statement or notice by prepaid mail to the person whose claim is refused or against whom an assessment is made under this section, as the case may be, at his last known address, or by serving such notice on him personally.

Payment of tax assessed

(9) Any person assessed shall, within one month of the date of service of an assessment made against him, transmit the tax claimed in the assessment whether or not an objection or appeal from the assessment is outstanding, and if such person fails to transmit the tax at the time required, he shall pay to the Treasurer interest at the rate prescribed upon the tax from the due date to the date of transmission to the Treasurer.

Limitation on assessment

(10) No assessment of tax or penalty provided for in this section shall be made with respect to tax that should have been collected more than three years immediately preceding the day of the assessment, except that, where the Minister establishes that the person has made a misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in making a return or in supplying any information under

this Act or the regulations or in omitting to disclose any information, then the Minister may, where he considers it expedient, impose the penalty or assess for tax in respect of tax that should have been paid or collected more than three years prior to the date of assessment.

Assessment conclusive

(11) Subject to being vacated or varied on a objection or appeal, a statement or assessment under this section shall be deemed to be valid and binding and the amount assessed in any such assessment shall, for the purposes of the collection or recovery thereof, be deemed to be tax owing under this Act and be conclusively established as a debt owing to Her Majesty the Queen in right of Ontario.

Notice of objection

14.—(1) Where a person objects to an assessment or statement or disallowance under section 13, he may, within ninety days from the service of the assessment or statement of disallowance serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Service of notice

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister.

Exception

(3) The Minister may accept a notice of objection under this section notwithstanding that it was not served in duplicate or in the manner required by subsection (2).

Reconsideration

(4) Upon receipt of the notice of objection, the Minister shall with all due dispatch reconsider the assessment or statement of disallowance objected to and vacate, confirm or vary the assessment or statement of disallowance or reassess or serve a fresh statement of disallowance and he shall thereupon notify the person making the objection of his action by letter, either sent by registered mail to, or personally served on, the person.

Appeal

(5) When the Minister has given the notification required by subsection (4), the person who has served a notice of objection under this section may appeal to the Supreme Court to have the assessment or statement of disallowance so objected to vacated or varied, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to or served on such person under subsection (4).

Appeal how instituted

(6) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the appellant resides or has his place of business.

(7) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister or by personal service. Service

(8) The appellant shall set out in the notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in support of his appeal, and an address in Ontario where the appellant may be served. Statement of allegations

(9) The Minister shall with all due dispatch serve on the appellant and file in the Supreme Court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on, and where the Minister fails to serve the reply within 180 days from the date of service upon him of the notice under subsection (6), the appellant may, upon twenty-one days' notice to the Minister, apply to a judge of the Supreme Court for an order requiring the reply to be served within such time as the judge shall order, and the judge may, if he considers it proper in the circumstances, also order that, upon failure of the Minister to serve the reply in the time specified in the order, the assessment or notice of disallowance with respect to which the appeal is made shall be vacated and any tax pursuant to such assessment shall be repaid to the appellant or the refund disallowed be paid to the appellant, but nothing in this section revives an appeal that is void or affects a statement of disallowance or assessment that has become valid and binding. Reply to notice of appeal

(10) Upon the filing of the material referred to in subsections (5) and (9), with the Registrar of the Supreme Court or the local registrar of the Supreme Court, the matter shall be deemed to be an action in the court and the practice and the procedure of the court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed an action under this subsection, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. Matter deemed action

(11) Proceedings under subsections (5), (9), (10), (12) and (13) may be held *in camera* on request made to the court by the appellant or by the Minister. Proceedings *in camera*

(12) The Court may dispose of the appeal by such order as it considers just and the Minister shall, subject to the final decision of any court to which the order is appealed, vacate or vary, where necessary, the assessment or statement of disallowance so as to carry out the final order of the court. Disposal of appeal

Court may order refund

(13) The court may, in delivering judgment disposing of an appeal, order payment of a refund of tax by the appellant or the Treasurer, as the case may be, and may make such order as to costs as it considers proper.

Irregularities

(14) An assessment shall not be vacated or varied on adjudication by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act.

Extension

(15) The time within which a notice of objection under subsection (1) or a notice of appeal under subsection (5) is to be served may be extended by the Minister if application for extension is made prior to the expiration of the time of service of that notice of objection or notice of appeal.

Certificate to prove unpaid tax

15.—(1) The Minister or Deputy Minister of Revenue shall determine the amount of tax referred to in subsection 2 (7) or in subsection 3 (6) or in subsection 4 (8) or (10) or in subsection 8 (10) or (13) or in section 27 from such information as is available to him and shall issue a certificate as to the amount, and such certificate that is signed or that purports to be signed by the Minister or Deputy Minister of Revenue and that states the amount of tax that should have been collected or paid is *prima facie* evidence of the amount of tax that should have been collected or paid and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Compliance of Minister, etc., to be proved by affidavit

(2) For the purpose of any proceedings taken under this Act, the facts necessary to establish compliance on the part of the Minister, as well as the failure of any person to comply with the requirements of this Act, are sufficiently proved in any court by affidavit of the Minister or any officer of the Ministry of Revenue.

Analysis of fuel

(3) The Minister may authorize any person he designates to analyze fuel under this Act and the Minister may prescribe the form of the certificate of analysis to be issued by that person.

Idem

(4) In any proceeding instituted under this Act, the certificate of analysis of fuel made under subsection (3) and signed by a person authorized by subsection (3) to make the analysis is *prima facie* evidence of the facts stated therein and of the authority of the person signing the certificate to make the analysis, without other proof of his appointment or signature.

When information to be laid

(5) Any information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

(6) Neither the application of any provision of this section or the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act. Remedies to be independent

16.—(1) Every person who makes a false statement in any return or in any information made or furnished to the Minister under this Act is guilty of an offence and on conviction is liable to a fine of not more than $1,000. False statements

(2) Any person who, being an officer, director or agent of a corporation, directed, authorized, assented to, acquiesced in or participated in the commission of any act that is an offence under this Act and for which the corporation would be liable for prosecution, is guilty of an offence, and on conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. Officers, etc., of corporations

17.—(1) Upon default of transmission to the Treasurer by any person of any tax that is collected and any tax or penalty that is payable by such person under this Act, Recovery of tax

(*a*) the Minister may bring an action for recovery thereof in any court of competent jurisdiction and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury; or

(*b*) the Minister may issue a warrant and direct it to the sheriff of any county or district in which any property of the person is located or situate for the amount of the tax, interest and penalty or any of them owing by the person together with interest thereon from the date of issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

(2) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act. Garnishment

(3) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. Idem

Liability of debtor

(4) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of garnishee

(5) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act, carries on business under a name and style other than his own name, the registered or other letter under subsection (2) may be addressed to the name and style under which he carries on business and in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(6) Where persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act, carry on business in partnership, the registered or other letter under subsection (2) may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

Garnishment of wages R.S.O. 1980, c. 526

(7) Subject to the *Wages Act,* where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Failure to remit

(8) Where any person without reasonable excuse fails to remit to the Treasurer the moneys as required under this section, the Minister may apply before a judge of the Supreme Court for an order directing such person to remit the moneys which he has failed to remit.

Investigations

18.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act or the regulations may at all reasonable times enter and examine any motor vehicle powered by fuel or enter into any premises where any business is carried on or any property is kept or anything is done in connection with any business or where any

books or records are or should be kept under this Act or the regulations, and may,

(*a*) audit or examine the books, records, accounts, vouchers, letters, telegrams or other documents that relate or may relate either to the information that is or should be in the books or records or to the amount of tax that is or should be collected, payable or remitted under this Act or the regulations;

(*b*) examine any fuel or motor vehicle or the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act or that should be remitted or collected under this Act or the regulations;

(*c*) require a purchaser, retailer, wholesaler, importer, collector, registered consumer or interjurisdictional carrier or an operator of a motor vehicle liable to collect or pay or considered possibly liable to collect or pay tax under this Act or if such person is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof or any other person on the premises of such person or in the motor vehicle of such operator to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises with him;

(*d*) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings;

(*e*) take samples of any fuel to ascertain whether any fuel tank or storage tank contains coloured fuel or clear fuel for the purpose of determining the amount of any tax payable under this Act or, in the case of a storage tank purported by the custodian of the fuel to contain coloured fuel, to ascertain if the fuel contains dye in the proportion prescribed for colouring fuel; and

(*f*) detain any motor vehicle suspected, after an examination of the fuel in the fuel tank of the motor vehicle, of containing fuel other than clear fuel contrary to the provisions of this Act and the regulations and to question the person in charge of the motor vehicle and examine invoices and any other documents in his possession.

Idem

(2) The Minister may, for any purpose related to the administration or enforcement of this Act or the regulations, by registered letter or by a demand served personally, require from any purchaser, retailer, wholesaler, importer, collector, registered consumer or interjurisdictional carrier or from the owner or operator of a motor vehicle, or if any of them is a partnership or a corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

(*a*) any information or a return as required under this Act or the regulations; or

(*b*) production or production on oath of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Minister may for any purpose related to the administration or enforcement of this Act or the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Ministry of Revenue, together with such members of the Ontario Provincial Police Force or other police officers as he calls upon to assist him and such other persons as are named therein to enter and search, if necessary by force, any building, receptacle or place, or any motor vehicle powered by fuel, for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Production of evidence to prove tax payable by another person

(4) The Minister may, by registered letter or by a demand that is served personally, require the production, under oath or otherwise, by any person, partnership or trust, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, syndicate or trust, or of his or its agent or officer for the purpose of determining what tax, if any, is collectable, payable or collected under this Act by any

person and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

Copies

(5) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

Interference

(6) No person shall hinder or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing.

Compliance

(7) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything that he is required by this section to do.

Offence

(8) Every person who contravenes this section or who fails to provide any information or make any return requested under this section is guilty of an offence and on conviction is liable to a fine of $50 for each day during which the offence continues.

Liabililty for damage to screens and filters

(9) The Crown or any servant thereof or any person acting in the administration or enforcement of this Act is not liable for any damage to a screen, filter or other device installed in, on or about the intake of a fuel tank or a storage tank and which impedes access to the tank by equipment required by and used by a person authorized by the Minister under this Act and the regulations to take samples of fuel where such screen, filter or other device is not removed or not removable by the person in charge of the tank or motor vehicle at the time a sample of fuel is to be taken or for any compensation to any person for any fuel taken as a sample for the purpose of this Act or the regulations.

Information on bulk shipments of fuel

19.—(1) Every person carrying fuel in a motor vehicle in a tank other than the fuel tank of the motor vehicle, and the operator of every such motor vehicle, shall, when requested by the Minister or any person authorized by the Minister, provide any or all of the following information,

(*a*) the name and address of any person from whom the fuel being carried was obtained, and the name and address of any person to whom the fuel so obtained was delivered or is to be delivered;

(*b*) the quantity of fuel delivered or to be delivered to any person;

(*c*) the use or intended use, if known, to be made of any fuel delivered or to be delivered from such motor vehicle,

and where no written evidence substantiating such information is available at the time that the request is made, the person to whom the request is made shall orally supply the information and may be required to certify in writing any of such oral statements.

Detention of motor vehicle

(2) Where the information required to be furnished by subsection (1) is not given, or where the information that is furnished is false, the motor vehicle may be detained by the Minister until the information is provided or until the true information is provided, and during any such detention, the Crown shall not be liable for any damages to the motor vehicle, its contents, cargo or freight, or to its owner or operator or otherwise that may occur or be alleged to occur by reason of the detention of the motor vehicle pending the furnishing of the information required by subsection (1) or the furnishing of accurate information as required by subsection (1).

Idem

(3) Any person authorized by the Minister may,

(*a*) stop and detain any motor vehicle capable of transporting fuel and any container capable of holding fuel as cargo;

(*b*) examine and take samples of the fuel being transported by any motor vehicle or in the fuel tank of the motor vehicle;

(*c*) examine documents in the custody of the person in charge of the motor vehicle related to liability for tax on the purchase of fuel, the ownership of the motor vehicle and the identity of the person in charge of the motor vehicle;

(*d*) prohibit the sale or delivery as coloured fuel of any fuel carried, if the fuel contains less dye in proportion to fuel than is prescribed for colouring fuel.

Offence

(4) Every person who,

(*a*) neglects or omits to comply with stop signs set up by a person authorized to examine any motor vehicle or to obey the signals or orders of such person;

(*b*) refuses to permit the examination of any motor vehicle; or

(*c*) refuses or wilfully neglects to answer any question put to him by a person authorized to examine any motor vehicle,

is guilty of an offence and upon conviction is liable to a fine of not less than $200 and not more than $1,000.

Relief from interest

20. Where, owing to special circumstances, it is considered inequitable that the whole amount of interest payable under this Act be paid, the Minister may exempt a person from payment of the whole or any part of the interest.

Refund

21.—(1) The Minister may refund the full tax imposed by this Act where clear fuel on which the tax was paid, or, coloured fuel on which the tax was paid in error, was, in the opinion of the Minister, used exclusively,

(*a*) in the business of farming or commercial fishing; or

(*b*) in any business, industry or institution for any business, industrial or institutional purpose that is not prescribed by the Minister to be excluded from the application of this section,

but no refund of tax may be made with respect to fuel used to operate a motor vehicle licensed or required to be licensed under the *Highway Traffic Act*, or used in any motor vehicle operated or intended to be operated principally for the pleasure or recreation of its owner or operator.

R.S.O. 1980, c. 198

Application for refund

(2) A refund under this Act shall not be made unless an application therefor, accompanied by properly receipted invoices, is received by the Minister within,

(*a*) two years of the date when the tax a refund of which is sought was paid if that tax was paid prior to the 1st day of September, 1980;

(*b*) three years of the date when the tax a refund of which is sought was paid if that tax was paid on or after the 1st day of September, 1980,

and there shall be furnished to the Minister such evidence as he requires to satisfy him of the entitlement of the applicant to the refund claimed.

Over-payments

(3) Where a person has transmitted to the Treasurer an amount in excess of the tax collectable by him under this Act and of the taxes, interest and penalties payable by him under this Act, such excess amount shall be refunded to him upon his application therefor made within,

(*a*) two years of the date of his payment of such excess amount if that payment was made prior to the 1st day of September, 1980; or

(*b*) three years of the date of his payment of such excess amount if that payment was made on or after the 1st day of September, 1980,

and where any overpayment of tax by a person is the result of an assessment or reassessment or notice of disallowance under this Act or of the final decision of a court in proceedings commenced under section 14, such overpayment shall, notwithstanding subsection (2), be refunded without an application therefor.

Communication of information

22.—(1) Except as authorized by this section, no person employed by the Government of Ontario shall,

(*a*) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purpose of this Act; or

(*b*) knowingly allow any person to inspect or have access to any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

Officials not compellable as witnesses

(2) Notwithstanding any other Act, but subject to subsection (3), no person employed by the Government of Ontario shall be required, in connection with any legal proceedings,

(*a*) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or

(*b*) to produce any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

Exceptions for legal proceedings

(3) Subsections (1) and (2) do not apply in respect of,

(*a*) criminal proceedings under any Act of the Parliament of Canada; or

(*b*) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or

(*c*) proceedings relating to the administration or enforcement of this Act or the collection or assessment of tax under this Act.

Exceptions for internal administration

(4) A person employed by the Government of Ontario may, in the course of his duties in connection with the administration or enforcement of this Act,

(*a*) communicate or allow to be communicated to an official or authorized person employed by the Government of Ontario in the administration and enforcement of any laws relating to the raising of revenues for provincial purposes any information obtained by or on behalf of the Minister for the purposes of this Act; and

(*b*) allow any official or authorized person employed by the Government of Ontario in the administration or enforcement of any laws relating to the raising of revenues for provincial purposes to inspect or have access to any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

Exception for objection or appeal

(5) Notwithstanding anything in this Act, the Minister may permit a copy of any record or thing obtained by him or on his behalf for the purposes of this Act to be given to,

(*a*) the person from whom the record or thing was obtained; or

(*b*) any person,

(i) for the purpose of any objection or appeal that has been or may be taken by that person under this Act arising out of an assessment of tax under this Act in connection with which the record or thing was obtained, or

(ii) by whom any amount payable under this Act is payable or has been paid; or

(*c*) the legal representative of any person mentioned in clause (*a*) or (*b*) or the agent of any such person authorized in writing in that behalf.

Exception for tax enforcement in other jurisdictions

(6) Notwithstanding anything in this Act, the Minister may permit information or a copy of any record or thing obtained by him or on his behalf for the purposes of this Act to be given to,

(*a*) a minister of the Government of Canada or any officer or employee employed under a minister of the Government of Canada for the purpose of administering or

enforcing an Act of the Parliament of Canada imposing any tax or duties; or

(*b*) a minister of the government of any province or territory of Canada or officer or employee employed under that minister, for the purpose of administering or enforcing an Act or ordinance of the Legislature of that province or territory imposing any tax or duty,

if the minister of the Government of Canada or the minister of the government of any province or territory, as the case may be, is permitted to give to the Minister information or copies of any record or thing obtained by or on behalf of the minister of the Government of Canada, or the minister of the government of that other province or territory, as the case may be, in the administration or enforcement of that Act for the purposes of the administration or enforcement of this Act.

Exception for statistical information

(7) Notwithstanding anything in this Act, the Minister may communicate or allow to be communicated to an official of the Ministry of Treasury and Economics, solely for the purpose of evaluating and formulating tax policy, information obtained under this Act.

Offence

(8) Every person who contravenes any provision of this section is guilty of an offence and on conviction is liable to a fine of not more than $200.

Inter-provincial settlement of competing tax claims

23. For the purpose of simplifying compliance with this Act and the administration and collection of the tax imposed by this Act, and in order to provide for reciprocal arrangements to settle competing claims for tax on the acquisition and use of fuel by persons carrying on business in more than one province or territory of Canada, the Lieutenant Governor in Council may, upon the recommendation of the Minister and on such terms and conditions as are considered necessary and expedient, enter into an agreement with any province or territory of Canada that tax paid to one jurisdiction on the acquisition there of fuel that is transferred to the other jurisdiction and that becomes liable to tax in such other jurisdiction under this Act or any similar legislation in force in such other jurisdiction may be paid by one jurisdiction to the other in reduction of the liability to such tax arising in the jurisdiction receiving such payment and in lieu of refunding such tax to the person who paid it and who became liable for similar tax in such other jurisdiction.

Remedies for recovery of tax and penalties

24. The use of a remedy does not bar or affect any other remedy, and the remedies provided by this Act for the recovery and enforcement of payment or collection, or both, of any tax or penalty, or both, imposed by this Act are in addition to other

remedies existing by law, and no action or other proceeding in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise.

25.—(1) Every collector shall, Responsibilities of collector

(*a*) ensure that any dye furnished by the Minister to colour fuel which is in the collector's possession is kept in a sealed container in a secure place and is used for no other purpose than the colouring of fuel in the manner prescribed; and

(*b*) immediately report to the Minister any breakdown or malfunction of the equipment or any failure to follow any of the methods and procedures prescribed by the Minister to be followed and observed in the colouring of fuel or in the storage, transportation or delivery of coloured fuel,

and to ensure compliance with this subsection, any person thereunto authorized by the Minister may shut down and test all equipment used for the dyeing, storing, transportation or delivery of coloured fuel.

(2) Any person who owns or operates any equipment used to colour, store, transport or deliver coloured fuel that does not bear the identifying labels or seals prescribed by the Minister is guilty of an offence and upon conviction is liable to a fine of not more than $20,000. Offence

(3) All dye furnished by the Minister to a collector for the purpose of colouring fuel remains the property of Her Majesty the Queen in right of Ontario until it is mixed with fuel by the collector. Dye is property of Crown

26. Any person who, Offence

(*a*) destroys or removes or attempts to destroy or remove, in any manner, the dye in any coloured fuel;

(*b*) mixes or combines coloured fuel with any other type or grade of fuel;

(*c*) removes, breaks or alters a seal or identifying label affixed to any tank, drum or machine in accordance with this Act or the regulations without the prior permission of the Minister; or

(*d*) stocks coloured fuel on premises where clear fuel is sold to purchasers unless the coloured fuel is contained in a

separate tank or cistern and the pump delivering the fuel from that separate tank or cistern is clearly marked to indicate that coloured fuel is being delivered,

is guilty of an offence and is liable upon conviction to a fine of not less than $200 and not more than $5,000 for each offence.

Offence

27. Any person who,

R.S.O. 1980, c. 198

(*a*) delivers coloured fuel into the fuel tank of a motor vehicle licensed under the *Highway Traffic Act*;

(*b*) sells coloured fuel knowing that it will be used for a purpose that would render it taxable under this Act,

is guilty of an offence and upon conviction is liable to a fine equal to the tax payable with respect to the fuel so sold or delivered plus a fine of not less than $100 and not more than $2,000.

Offence

28. Any person who contravenes any provision of this Act or the regulations, for which contravention no penalty is otherwise provided, is guilty of an offence and is liable upon conviction to a fine of not less than $50 and not more than $1,000.

Transition

29.—(1) Where, on the day this Act comes into force, any person has in his possession clear fuel that is to be used by him for the purposes for which coloured fuel may be used under this Act or the regulations or in a manner that, in the opinion of the Minister, will not render the use of clear fuel liable to tax, any officer of the Ministry of Revenue may colour such fuel so held.

Idem

R.S.O. 1980, c. 300

(2) Where a person who was a registrant under the *Motor Vehicle Fuel Tax Act* before this Act came into force has in his possession on the day this Act comes into force clear fuel with respect to tax on which he was, under the *Motor Vehicle Fuel Tax Act* required to account to the Minister, the provisions of the *Motor Vehicle Fuel Tax Act* continue to apply to his obligations to account for tax and provide returns to the Minister until the 1st day of December, 1982 and no longer.

Hand dyeing

(3) Where the owner or operator of facilities for the storage and sale of substantial quantities of fuel establishes to the satisfaction of the Minister that, on the coming into force of this Act, such owner or operator,

(*a*) will not be able to provide separate facilities for the storage of clear and coloured fuel;

(*b*) is in the business of selling both clear and coloured fuel; and

(*c*) is making such efforts as the Minister considers reasonable to establish expeditiously separate facilities for the storage and sale of clear and coloured fuel,

the Minister may, for such length of time as he considers reasonable,

(*d*) authorize such owner or operator to acquire clear fuel that will be used as coloured fuel;

(*e*) designate such owner or operator a collector; and

(*f*) authorize such owner or operator to colour, in such manner as the Minister directs, fuel delivered by such owner or operator into any tank (other than a fuel tank) belonging to another,

and the Minister may require the furnishing of adequate security from, impose such conditions on, and enter into such arrangements with, such owner or operator as the Minister considers necessary and desirable to ensure compliance with this Act, the payment and collection of tax and the proper colouring and disposition of fuel acquired by such owner or operator, and if such owner or operator fails to carry out such arrangement or conditions, or to provide security required from him, the authorizations and designation given and made under this subsection are thereupon revoked and of no further force or effect.

Regulations by L.G. in C.

30.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) excluding products from this Act;

(*b*) exempting any class of persons from the payment of the tax imposed under this Act;

(*c*) exempting from a part or all of the tax imposed by this Act fuel that will be used by specified persons or in a specified manner or in a specified type of machinery or class of industry, and relieving collectors from their obligation of collecting a part or all of the tax on fuel so used;

(*d*) providing for the furnishing to the Minister by persons of information relating to the sale or delivery by them of fuel that is exempt from the tax imposed by this Act;

(*e*) prescribing rates of interest payable under this Act;

(*f*) providing for the calculation and payment of interest on amounts paid in excess of the tax imposed by this Act, and prescribing the rate of such interest;

(*g*) providing for the refund in special circumstances of the whole or any part of the tax imposed by this Act, and prescribing the terms and conditions under which such refund may be made;

(*h*) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry of Revenue to exercise any power or perform any duty conferred or imposed by this Act;

(*i*) prescribing a system of compensation to reimburse collectors for a part or all of their costs incurred in colouring fuel, designating classes of collectors and fixing the rate or rates of compensation to be paid to each class per litre of fuel coloured, and providing for a maximum amount of compensation to collectors and for the method by which such compensation may be deducted from the tax to be remitted in accordance with this Act;

(*j*) defining any word or expression used in this Act that has not already been expressly defined in this Act;

(*k*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Regulations by Minister

(2) The Minister may make regulations,

(*a*) prescribing any form that is required by this Act or the regulations or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain;

(*b*) prescribing the taxable price per litre of fuel to be in effect from time to time and the period of time for which such price shall be in effect;

(*c*) fixing to the nearest tenth of a cent the tax per litre of fuel to be paid under this Act as a result of the prescribing from time to time of a taxable price per litre in accordance with clause (*b*);

(*d*) providing for the refund of any tax or any portion thereof paid under this Act to any purchaser or class of purchasers and prescribing the records and material to be furnished upon application for a refund;

(*e*) prescribing purposes for which fuel is used that are excluded from the application of section 21;

(*f*) prescribing additional information to be contained in any fuel acquisition permit or registration certificate issued under this Act, and attaching additional conditions to the use of any such permit or certificate;

(*g*) prescribing records to be kept by persons, information to be shown and a return to be delivered by a person, and prescribing times or periods of time, in lieu of those mentioned in section 10, and which, or with respect to which, a return shall be delivered by any person or class of persons;

(*h*) prescribing, for the purpose of subsection 2 (2) any manner of disposing of or consuming fuel;

(*i*) prescribing the conditions and restrictions affecting registered consumers and interjurisdictional carriers and the method of paying the tax imposed by this Act to be followed by all registered consumers and interjurisdictional carriers;

(*j*) requiring persons who refine, import and sell fuel, including fuel for the heating of homes and buildings, to become collectors under this Act for the purpose of colouring and selling fuel for tax exempt usage and selling clear fuel for taxable use, accounting for, collecting or facilitating the administration of the tax imposed by this Act;

(*k*) prescribing the method of collecting and paying the tax imposed by this Act to be followed by any collector, importer, registered consumer or interjurisdictional carrier;

(*l*) prescribing who may colour fuel, the location of dye-points where a collector may colour fuel and the process a collector shall use to colour and dispense coloured fuel;

(*m*) prescribing standards and requirements for equipment to be used in colouring fuel;

(*n*) prescribing the type and amount of dye in proportion to fuel to be used to colour fuel and the conditions under which fuel may be coloured using a manual process;

(*o*) prescribing the responsibilities of collectors for the receipt, safe custody, use and accounting for dye and to allow seals as provided by the Minister, to be affixed as deemed appropriate by a person authorized by the Minister for this purpose, to dye injector equipment;

(*p*) prescribing conditions under which an importer shall colour fuel;

(*q*) prescribing anything permitted or required by the Act to be prescribed.

Retroactivity

(3) A regulation is, if it so provides, effective with reference to a period before it was filed and not earlier than the day this Act comes into force.

Grants for fuel storage tanks

31.—(1) The Lieutenant Governor in Council may make regulations establishing a program to extend to small businesses or enterprises that are independent of major distributors and refiners of fuel and to farmer's co-operatives relief from the cost of construction or acquisition of tanks for the storage or transportation of fuel and other facilities required, as a result of the colouring of fuel under this Act and the regulations, to maintain business at the level of the 19th day of May, 1981, and, without limiting the generality of the foregoing, may prescribe,

(*a*) the classes of persons, businesses or undertakings who may apply to receive relief under the program and to whom relief under this section may be provided;

(*b*) the structures, facilities and expenditures with respect to which relief may be provided;

(*c*) the form and method of application for relief under this section and the information and documentation required to be filed by the applicant in support of the application;

(*d*) the requirements, terms and conditions for eligibility under the program and provision for any bond, lien, deposit, undertaking or other security that those requirements, terms and conditions will be met,

but nothing in this section authorizes the Lieutenant Governor in Council to provide relief under the program in excess of $65,000 for any single installation, acquisition or required modification or to provide relief where an application for relief is made after the 31st day of March, 1985.

(2) The applicant for relief under subsection (1) must obtain approval of the Minister prior to the commitment of any funds for the construction of the structure or facility with respect to which a grant is claimed. Time of application

(3) Until the Legislature appropriates funds to meet payments that may be made under this section, such payments may be made from the Consolidated Revenue Fund. Payments from the Consolidated Revenue Fund

(4) A regulation under this section may be effective from a time prior to the coming into force of this Act, but not earlier than the day this Act receives Royal Assent. Retro-activity

32. The *Motor Vehicle Fuel Tax Act*, being chapter 300 of the Revised Statutes of Ontario, 1980, is repealed. Repeal

33. This Act comes into force on the 1st day of September, 1982. Commencement

34. The short title of this Act is the *Fuel Tax Act, 1981*. Short title

An Act to revise the
Motor Vehicle Fuel Tax Act

1st Reading

November 12th, 1981

2nd Reading

December 7th, 1981

3rd Reading

December 10th, 1981

THE HON. G. L. ASHE
Minister of Revenue

1981

BILL 167 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to Validate certain Road Closings and Conveyances in the City of Ottawa

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is set out in the Preamble.

BILL 167 1981

An Act to Validate certain Road Closings and Conveyances in the City of Ottawa

Preamble

WHEREAS by an agreement dated the 15th day of May, 1979, between Her Majesty the Queen in right of Canada, The Regional Municipality of Ottawa-Carleton and The Corporation of the City of Ottawa, the parties thereto agreed to certain terms under which the central business district of the City of Ottawa would be revitalized; and whereas it is considered advisable to validate and confirm certain actions taken pursuant to the terms of the agreement;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain road closings and conveyances validated

1. All closing and stopping up of roads and highways and all conveyances and transfers of such closed and stopped up roads and highways pursuant to the terms of the said agreement, dated the 15th day of May, 1979, between Her Majesty the Queen in right of Canada, The Regional Municipality of Ottawa-Carleton and The Corporation of the City of Ottawa are hereby validated and confirmed as of the date the closing and stopping up and the conveyances and transfers were carried out.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of Ottawa Road Closing and Conveyance Validation Act, 1981*.

An Act to Validate certain Road Closings and Conveyances in the City of Ottawa

1st Reading

November 13th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs
and Housing

(*Government Bill*)

BILL 167

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to Validate certain Road Closings and Conveyances in the City of Ottawa

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 167 1981

An Act to Validate certain Road Closings and Conveyances in the City of Ottawa

Preamble

WHEREAS by an agreement dated the 15th day of May, 1979, between Her Majesty the Queen in right of Canada, The Regional Municipality of Ottawa-Carleton and The Corporation of the City of Ottawa, the parties thereto agreed to certain terms under which the central business district of the City of Ottawa would be revitalized; and whereas it is considered advisable to validate and confirm certain actions taken pursuant to the terms of the agreement;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain road closings and conveyances validated

1. All closing and stopping up of roads and highways and all conveyances and transfers of such closed and stopped up roads and highways pursuant to the terms of the said agreement, dated the 15th day of May, 1979, between Her Majesty the Queen in right of Canada, The Regional Municipality of Ottawa-Carleton and The Corporation of the City of Ottawa are hereby validated and confirmed as of the date the closing and stopping up and the conveyances and transfers were carried out.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of Ottawa Road Closing and Conveyance Validation Act, 1981*.

An Act to Validate certain Road Closings and Conveyances in the City of Ottawa

---

1st Reading

November 13th, 1981

2nd Reading

November 26th, 1981

3rd Reading

November 26th, 1981

THE HON. C. BENNETT
Minister of Municipal Affairs
and Housing

1981

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Employment Standards Act

MR. RENWICK

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is to create a first floating charge over the assets in Ontario of every employer for the purpose of securing the payment of any moneys that may become due to an employee under sections 40 and 40*a* of the *Employment Standards Act*.

BILL 168 1981

An Act to amend the Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XII of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 22, sections 1 and 2, is further amended by adding thereto the following section: Part XII, amended

40*b*.—(1) For the purpose of securing the performance of an employer's obligations under sections 40 and 40*a*, every employer shall be deemed to have created a first floating charge on all of the real and personal property in Ontario of the employer in favour of his employees equivalent to the amount that would be required on any particular day to discharge the employer's obligations under subsection 40 (7) and under section 40*a* as if all of the employees were terminated on the particular day. First floating charge

(2) The first floating charge has priority over every other security interest in the real and personal property in Ontario of the employer whether created before or after the coming into force of this Act. Priority

(3) The Minister shall be deemed to be the trustee for the employees for the purpose of enforcing the employees' rights under the first floating charge. Trustee

(4) The employer may in the ordinary course of business, for the purpose of carrying on the business, deal with the assets charged under the first floating charge and may pay reasonable dividends. Right to carry on business

(5) The employer shall pay and discharge every obligation incurred by him or imposed upon him or upon his real and personal property or any part thereof or upon the income or profits of the employer as and when the same become due and payable but the employer is not required to make any such pay- Duty to discharge obligations

ment if the employer in good faith is contesting his liability therefor and the contest will not cause a loss of any asset of the employer.

Default

(6) An employer is in default under the first floating charge if,

(*a*) the employer fails to comply with subsection (5);

(*b*) the employer sells any of his assets, other than in the ordinary course of business, without the prior consent of the Minister;

(*c*) the Minister, as trustee, is of the opinion that the employer would be unable to meet his obligations to his employees under subsection 40 (7) and section 40*a* if all the employees were terminated on the day that the Minister gives his opinion; or

(*d*) any other floating or fixed charge or encumbrance becomes enforceable.

Enforcement

(7) The security under the first floating charge becomes enforceable on default.

Idem

(8) If the security under the first floating charge becomes enforceable, the whole of the obligation secured thereby shall be due and payable forthwith and the Minister, as trustee, may enter on any or all of the real and personal property of the employer and proceed to realize the security or he may appoint a receiver or receiver-manager to act on his behalf or he may apply to the Supreme Court for the appointment of a receiver or receiver-manager.

Insufficient funds

(9) Where, upon realizing on the security under subsection (8), there is insufficient money to meet all of the obligations of the employer to his employees under subsection 40 (7) and section 40*a*, the Minister, as trustee, shall distribute the proceeds to the employees in accordance with the ratio that the amount owed to the particular employee is to the amount owed to all of the employees.

Additional right

(10) The rights created under this section are in addition to any other rights or remedies or methods of enforcement available under this or any other Act or at law.

Interpretation

(11) In this section "first floating charge" means the first floating charge referred to in subsection (1).

s. 65 (1), amended

2. Subsection 65 (1) of the said Act is amended by adding thereto the following clauses:

(*ta*) establishing actions that constitute default by an employer for the purposes of section 40*b* in addition to the defaults set out in subsection 40 (7) and any such regulation may have retroactive effect;

(*tb*) respecting the terms and conditions for the appointment of a receiver or receiver-manager by the Minister, as trustee, under subsection 40 (8) and setting the remuneration of any such receiver or receiver-manager.

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Employment Standards Amendment Act, 1981*. Short title

An Act to amend
the Employment Standards Act

1st Reading

November 17th, 1981

2nd Reading

3rd Reading

MR. RENWICK

(*Private Member's Bill*)

1981

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act for the Protection of Video Display Terminal Operators

MR. JOHNSTON
(Scarborough West)

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

The purpose of the Bill is to protect the health of video display terminal operators by regulating the conditions of their employment and by setting the standards for the operation of terminals.

Sections 1 and 2. Self-explanatory.

BILL 169 1981

An Act for the Protection of Video Display Terminal Operators

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "flicker rate" means the rate, measured in Hertz, at which images on the screen of a terminal are refreshed;

(*b*) "health" means,

(i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers,

(ii) the prevention among workers of ill health caused by their working conditions,

(iii) the protection of workers in their employment from factors adverse to their health, and

(iv) the placing and maintenance of workers in occupational environments which are adapted to their individual physiological and psychological conditions;

(*c*) "health effect" means,

(i) a temporary or permanent deterioration of visual acuity,

(ii) headaches,

(iii) a burning sensation of the eyes,

(iv) muscular and skeletal problems,

(v) change in colour perception, and

(vi) such other health effect or effects as may be defined by the regulations;

(*d*) "inspector" means an inspector appointed under the *Occupational Health and Safety Act*; R.S.O. 1980, c. 321

(*e*) "operator" means a person who does any work at a terminal;

(*f*) "radiation" includes but is not limited to X-radiation, ultraviolet radiation, microwave radiation, ultrasound, infrared radiation, radio frequencies and static fields, and "radiation levels" has a corresponding meaning;

(*g*) "terminal" includes any electronic video screen data presentation machine, commonly called a video display terminal or cathoderay tube, any plasma screen, and any liquid crystal display, but does not include a television or oscilloscope screen except to the extent that it is used as a terminal for the presentation of data;

(*h*) "trade union" means a trade union as defined in the *Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in a work place and includes an organization representing operators to whom this Act applies where such organization has exclusive bargaining rights under any other Act in respect of such operators. R.S.O. 1980, c. 228

Crown bound

2. This Act binds the Crown and any agency of the Crown.

Testing at point of sale

3.—(1) No person shall sell or lease a terminal in Ontario that has not been,

(*a*) tested to show that it emits no radiation, other than visible light; and

(*b*) equipped with radiation shields conforming to the regulations.

Record of tests

(2) Every person selling or leasing a terminal shall deliver a full record of tests conducted under clause (1) (*a*) to the purchaser or lessee of the terminal.

Duties of employer

4.—(1) No employer shall permit any operator employed by him to work at a terminal unless the following conditions are met:

SECTION 3. The sale or leasing of terminals which emit any form of radiation other than visible light is prohibited. Radiation shielding is a requirement and universal radiation testing at point of production is mandatory. Records of tests are to be delivered to purchasers or lessees.

SECTION 4. Detailed standards are prescribed for the operation of terminals. A transitional provision gives one year's grace for terminals already in operation.

1. The terminal shall be equipped with a detachable keyboard or other device readily adjustable by the operator.

2. The work station shall be equipped with a copy holder that is readily adjustable by the operator.

3. The terminal shall be located on an adjustable table and the work station shall be provided with a chair that is readily adjustable for seat and backrest heights, angle and backrest tension by the operator when seated.

4. The terminal shall be equipped with brightness and contrast controls that are readily adjustable by the operator.

5. The terminal shall have character size and colour conforming to the regulations.

6. The terminal shall be equipped with an anti-reflection filter.

7. Artificial and natural lighting in the office in which a terminal is located shall be readily adjustable, maximize the use of indirect lighting and minimize glare.

8. The terminal shall be provided with an individual lighting unit equipped with a dimmer switch and readily adjustable by the operator.

9. The terminal shall not have a flicker rate lower than that prescribed by the regulations.

10. The terminal shall not have its primary heat exhausts within 1.5 metres of the position normally occupied by the operator unless there are intervening ducts, walls or insulation.

11. The terminal shall not be situated in the same room as a printer unless the printer is equipped with acoustic protection so as to reduce noise levels to standard office noise levels.

12. The terminal shall not emit radiation other than visible light.

13. The terminal shall be equipped with radiation shields conforming to the regulations.

14. The terminal shall be equipped with an individual on-off switch controlled by the operator.

15. The terminal shall comply with any further standards prescribed by regulation.

Idem

(2) Where a terminal is in operation on the day before the day this Act comes into force, the employer shall comply with subsection (1) within one year of the day this Act comes into force.

Inspection and maintenance; testing for radiation levels

5.—(1) Every employer shall, at least once in each six-month period,

(*a*) cause each terminal in his possession to be,

(i) inspected and maintained by qualified persons, and

(ii) tested for compliance with paragraph 12 of subsection 4 (1);

(*b*) cause a full lighting survey of all working areas containing terminals to be carried out by qualified persons,

and shall cause full records of all inspections, maintenance, tests and surveys to be kept.

Access to records

(2) The records kept under subsection (1), subsection 3 (2) and section 8 shall be made available to all operators employed by the employer and to any representative selected by the trade union, if any, representing the operators.

Rest periods

6.—(1) Every employer of an operator shall allow the operator a fifteen-minute rest period for each hour that the operator works at a terminal and shall not cause the operator to work at a terminal continuously for more than one hour.

Hours of work

(2) No employer shall cause an operator to work at a terminal for more than four hours in any twenty-four hour period.

Idem

(3) An operator whose contract of employment provides for normal working hours exceeding the maximum permitted by subsection (2) has the right to perform reasonable alternative work without loss of pay, seniority or other benefits during the balance of her normal working hours.

Rest area

(4) Every employer of an operator shall provide a rest area that is not located adjacent to a terminal.

Pregnancy of operator

7.—(1) An operator,

SECTION 5. Employers are required to have terminals tested, inspected and maintained and to have lighting surveys conducted semi-annually. Full records are to be kept and made available to operators and trade unions representing operators.

SECTION 6. Mandatory rest periods and maximum hours of operation are prescribed.

SECTION 7. Operators are permitted to cease working at terminals during pregnancy and while awaiting the results of pregnancy tests.

SECTION 8. An operator suffering from a medical condition that may be caused by operation of a terminal is permitted to cease working at a terminal until it has been inspected and any malfunction has been corrected.

SECTION 9. Operators who exercise their rights to request not to work at a terminal may be assigned reasonable alternative work at equal pay with no loss of seniority or benefits.

SECTION 10. Regular eye examinations at the employer's expense are prescribed. Operators are to be reimbursed for the cost of corrective lenses. The results of eye examinations are not to be used for personnel screening.

(*a*) who believes she may be pregnant, may, until it has been established that she is not pregnant, subject to subsection (2); or

(*b*) who provides her employer with the certificate of a legally qualified medical practitioner indicating that she is pregnant may, during her pregnancy,

request not to work at a terminal, without loss of pay, seniority or other benefits, and such request will be granted.

Idem

(2) Where an operator requests not to work at a terminal under clause (1) (*a*), and does not provide her employer with the certificate referred to in clause (1) (*b*) by a day ninety days from the day of her refusal, the employer may require her to resume work at a terminal.

Refusal to work

8. An operator who provides her employer with the certificate of a legally qualified medical practitioner indicating that she suffers from any physical condition that may be caused by operation of a terminal may request not to work at a terminal, without loss of pay, seniority or other benefits, until that terminal has been,

(*a*) inspected by a qualified person and repaired if necessary;

(*b*) tested for radiation levels; and

(*c*) shown to comply with subsection 4 (1).

Alternative work

9. Upon an operator's request not to work at a terminal under subsection 7 (1) or section 8, the employer may require her to perform reasonable alternative work.

Eye testing

10.—(1) Every employer of an employee shall permit the employee to undergo an ophthalmological examination during working hours without loss of pay before becoming an operator.

Idem

(2) Every employer of an operator shall permit the operator to undergo at least one ophthalmological examination in each six-month period during working hours without loss of pay.

Idem

(3) The employer shall reimburse employees and operators for any costs in respect of such ophthalmological examinations which are not covered by the Ontario Health Insurance Plan or by a group plan and for any lenses, including frames, prescribed for employees and operators.

Idem

(4) Where an operator has been assigned to work at a terminal before the day this Act comes into force, the employer shall

permit the operator to undergo an ophthalmological examination during paid working hours within ninety days of the day this Act comes into force.

Results of test not to be used for personnel screening

(5) No employer shall use the results of ophthalmological examinations to screen prospective employees.

Employees to be advised of results

(6) Employees shall be advised of results of each test under this section.

Operator education

11. Every employer of an operator shall,

(*a*) post a copy of this Act prominently where the operator is usually stationed;

(*b*) provide the operator with notice of health effects and with information about the means of alleviation of health effects; and

(*c*) provide the operator with training in the safe operation of terminals.

Limitation of individual monitoring

12. No employer of an operator shall use a terminal to monitor the productivity of an operator on an individual basis.

Health and safety committee

13.—(1) Every employer of an operator shall establish a health and safety committee consisting of at least two persons of whom at least half shall be operators to be selected by the operators they represent or, where there is a trade union or trade unions representing the operators, by the trade union or trade unions.

Duties of committee

(2) The health and safety committee shall,

(*a*) investigate conditions causing health effects in the workplace and make recommendations to the employer for their correction;

(*b*) participate in the employer's decisions for acquisition of equipment;

(*c*) investigate, record and communicate to the employer the concerns of operators regarding health effects and working conditions.

No discipline, dismissal, etc., by employer

14.—(1) No employer or person acting on behalf of an employer shall,

(*a*) dismiss or threaten to dismiss an operator;

SECTION 11. Employers are required to provide operators with information about the possible health effects of working at terminals and with training in their safe operations.

SECTION 12. The use of terminals for individual monitoring of operators is prohibited.

SECTION 13. Bilateral health and safety committees with consultative powers are to be established, with powers to investigate conditions causing health effects, and with a right to actively participate in employer's decisions regarding introduction of technology into the workplace.

SECTION 14. Reprisals by employers are prohibited and grievances may be referred to the Ontario Labour Relations Board.

(*b*) discipline or suspend or threaten to discipline or suspend an operator;

(*c*) impose any penalty upon an operator; or

(*d*) intimidate or coerce an operator,

because the operator has acted in compliance with this Act or the regulations or an order made thereunder or has sought the enforcement of this Act or the regulations.

Arbitration

(2) Where an operator complains that an employer or person acting on behalf of an employer has contravened subsection (1), the operator may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board in which case any regulations governing the practice and procedure of the Board apply, with all necessary modifications, to the complaint.

Inquiry by Ontario Labour Relations Board R.S.O. 1980, c. 228

(3) The Ontario Labour Relations Board may inquire into any complaint filed under subsection (2), and section 89 of the *Labour Relations Act,* except subsection (5), applies with all necessary modifications, as if such section, except subsection (5), is enacted in and forms part of this Act.

Idem

(4) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection (2), sections 102, 103, 106, 108 and 109 of the *Labour Relations Act* apply, with all necessary modifications.

Onus of proof

(5) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection (2), the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection (1) lies upon the employer or the person acting on behalf of the employer.

Jurisdiction when complaint by Crown employee

(6) The Ontario Labour Relations Board shall exercise jurisdiction under this section on a complaint by a Crown employee that the Crown has contravened subsection (1).

Board may substitute penalty

(7) Where on an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection (2), the Board determines that an operator has been discharged or otherwise disciplined by an employer for cause and the contract of employment or the collective agreement, as the case may be, does not contain a specific penalty for the infraction, the Board may substitute such other penalty for the discharge or discipline as to the Board seems just and reasonable in all the circumstances.

Exception
R.S.O. 1980, c. 381

(8) Notwithstanding subsection (2), a person who is subject to a rule or code of discipline under the *Police Act* shall have his complaint in relation to an alleged contravention of subsection (1) dealt with under that Act.

Enforcement
R.S.O. 1980, c. 321

15. Subsection 6 (2) and sections 23, 28, 29, 31, 32, 33, 34, 35 and 36 of the *Occupational Health and Safety Act* apply, with all necessary modifications, to the enforcement of this Act.

Offence

16. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than $25,000.

Regulations

17.—(1) The Lieutenant Governor in Council may make such regulations as are advisable to protect the health and safety of operators.

Idem

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

(*a*) prescribing character size and colour to be used in terminals;

(*b*) prescribing specifications for radiation shields to be installed or used in conjunction with terminals;

(*c*) prescribing a minimum flicker rate for terminals;

(*d*) respecting the testing of terminals for radiation levels;

(*e*) defining qualified persons;

(*f*) defining health effects;

(*g*) prescribing standards for terminals;

(*h*) authorizing the conducting of comprehensive epidemiological studies of operators and studies of the synergistic effects of exposure to radiation from terminals; and

(*i*) authorizing research for the development of improved instruments for radiation analysis.

Commencement

18. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

19. The short title of this Act is the *VDT Operators' Safety Act, 1981*.

SECTION 15. The Bill adopts the inspection and enforcement provisions of the *Occupational Health and Safety Act*.

SECTION 16. The maximum fine will be $25,000.

SECTION 17. Self-explanatory.

An Act for the Protection of Video Display Terminal Operators

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1st Reading

November 17th, 1981

2nd Reading

3rd Reading

MR. JOHNSTON
(Scarborough West)

(Private Member's Bill)

1981

BILL 170 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Municipal Elections Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill enlarges from two years to three years the term of office of persons elected in 1982 and subsequently as members of the council of a municipality or of a local board, the election to which is governed by the Act.

BILL 170 1981

An Act to amend the Municipal Elections Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 9 (1), re-enacted

1. Subsection 9 (1) of the *Municipal Elections Act*, being chapter 308 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Three-year term

(1) Notwithstanding any other general or special Act and except where otherwise specifically provided in this Act, the term of office of all offices, the election to which is governed by this Act, shall be three years, commencing on the first day of December in an election year.

s. 10 (1), re-enacted

2. Subsection 10 (1) of the said Act is repealed and the following substituted therefor:

Election year

(1) An election shall be held in accordance with this Act in each municipality in the year 1982 and in every third year thereafter for the purpose of electing persons to offices.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Municipal Elections Amendment Act, 1981*.

An Act to amend
the Municipal Elections Act

1st Reading

November 17th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs
and Housing

(*Government Bill*)

1981

BILL 171 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act respecting certain International Bridges

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

This Bill replaces Bill 146 which received first reading on the 15th day of October, 1981.

The Bill provides that the real property of the international bridge authorities named in section 1 is subject to the *Assessment Act*, but the bridge authorities will not be subject to municipal taxation or business assessment with respect to such property. However, the bridge authorities will be required to make payments in lieu of taxes as set out in the Schedule. The payments in lieu of taxes will be phased in over a period of three years and during the first two years, the Province will provide financial assistance to the municipalities to off-set potential lost tax revenue.

Bill 146, provided that it would come into force on the 1st day of January, 1982. This Bill will have retroactive effect to the 1st day of January, 1981 with respect to the Blue Water Bridge Authority and the provisions of the Bill that relate to the Niagara Falls Bridge Commission will come into force on the 1st day of January, 1982.

BILL 171 1981

An Act respecting certain International Bridges

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R.S.O. 1980, c. 31, application to certain bridge

1.—(1) Notwithstanding any general or special Act, the *Assessment Act* applies to the real property vested in or controlled by the Blue Water Bridge Authority and situate within the Village of Point Edward but such real property is not subject to taxation and the Blue Water Bridge Authority is not subject to assessment for business assessment under section 7 of the *Assessment Act* in respect of its occupation or use of the real property.

Idem

(2) Notwithstanding any general or special Act, the *Assessment Act* applies to the real property vested in or controlled by the Niagara Falls Bridge Commission and situate within the City of Niagara Falls and the Town of Niagara-on-the-Lake but such real property is not subject to taxation and the Niagara Falls Bridge Commission is not subject to assessment for business assessment under section 7 of the *Assessment Act* in respect of its occupation or use of the real property.

Payments to Village of Point Edward

2.—(1) The Blue Water Bridge Authority shall pay to the Village of Point Edward in the year 1981 and in each subsequent year the amounts as determined under Part I of the Schedule for the particular year.

Payments to City of Niagara and Town of Niagara-on-the-Lake

(2) The Niagara Falls Bridge Commission shall pay to the City of Niagara Falls and the Town of Niagara-on-the-Lake in the year 1982 and in each subsequent year the amounts as determined under Parts II and III, respectively, of the Schedule for the particular year.

Payments by Minister

(3) The Minister of Municipal Affairs and Housing shall pay to the Village of Point Edward in the years 1981 and 1982 and to the City of Niagara Falls and the Town of Niagara-on-the-Lake in the years 1982 and 1983 the amounts as determined under Parts IV, V and VI, respectively, of the Schedule for the particular year.

Collection of payments

3. The sums of money referred to in Parts I to III of the Schedule to the Act may be added to the collector's roll of taxes when it is prepared for the year in which the sums are payable and upon being so added such sums are deemed to be municipal taxes due on the real property in respect of which they are payable and the provisions of the *Municipal Act* or the *Municipal Affairs Act*, as the case may be, as to the collection and recovery of taxes including the addition of percentage charges and interest for non-payment of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1980, cc. 302, 303

Allocation of payments

4.—(1) A portion of the amount payable to a local municipality in any year under this Act, but not including an amount in respect of local improvement rates, shall be allocated to the county or corporation of the Regional Municipality, as the case may be, within which the local municipality is situate, and such portion shall be in the same proportion to the amount as is the rate levied by the local municipality in that year in respect of its net county levy or net regional levy, as the case may be, to the sum of the rates levied by the local municipality in that year in respect of its net lower tier levy and its net county levy or net regional levy, as the case may be.

Interpretation

(2) In subsection (1), "rate" means the rate levied on the assessment for real property used as the basis for computing business assessment.

Apportionment

5.—(1) The assessment of the real property mentioned in subsection 1 (1) shall be deemed to be commercial assessment upon which taxes were levied for all purposes other than school purposes for the purposes of section 365 of the *Municipal Act*.

Idem

(2) The assessment of the real property mentioned in subsection 1 (2) shall be deemed to be rateable property for the purposes of subsection 128 (3) of the *Regional Municipality of Niagara Act*.

R.S.O. 1980, c. 438

Idem

(3) Except as provided in subsections (1) and (2), the assessment of the real property mentioned in section 1 shall not be included when determining the equalized assessment or rateable property of a local municipality for purposes of apportioning the requisition or levy of any body.

Repeals

6. The following are repealed:

1. Sections 2 and 3 of *The Rainbow Bridge Act, 1941*, being chapter 48.
2. *The Lewiston-Queenston Bridge Act, 1967*, being chapter 46.

3. *The Whirlpool Rapids Bridge Act, 1967,* being chapter 105.

4. *The Village of Point Edward Act, 1979,* being chapter 72.

Commencement

7.—(1) This Act, except subsections 1 (2) and 5 (2) and paragraphs 1 to 3 of section 6, shall be deemed to have come into force on the 1st day of January, 1981.

Idem

(2) Subsections 1 (2) and 5 (2) and paragraphs 1 to 3 of section 6 come into force on the 1st day of January, 1982.

Short title

8. The short title of this Act is the *International Bridges Municipal Payments Act, 1981*.

SCHEDULE

In this Schedule,

(*a*) "assessment" when used or applied in respect of real property situate within a municipality in respect of any year means the assessment for that real property as shown on the assessment roll used for taxation purposes by the municipality in that year;

(*b*) "commercial assessment" means the assessment for real property that is used as the basis for determining business assessment;

(*c*) "yearly tax equivalent amount" when used in respect of any year in connection with real property situate within a local municipality means the amount that would be produced by applying to the assessment for that real property the rates levied by the local municipality in that year in respect of its net lower tier levy and its net county levy or net regional levy, as the case may be, upon the assessment of real property in the municipality used as the basis for computing business assessment.

PART I

Year	Amounts Payable by the Blue Water Bridge Authority to the Village of Point Edward
1981	A. One-third of the yearly tax equivalent amount for 1981 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority plus B. Local improvement rates for 1981 in respect of the real property mentioned in paragraph A plus C. $11,000 in respect of the structure known as the Blue Water Bridge.

1982

A. Two-thirds of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority

plus

B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A

plus

C. $22,000 in respect of the structure known as the Blue Water Bridge.

1983

A. The yearly tax equivalent amount for 1983 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority

plus

B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A

plus

C. $33,000 in respect of the structure known as the Blue Water Bridge.

1984 and each subsequent year

A. The yearly tax equivalent amount for the particular year in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority

plus

B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

C. In respect of the structure known as the Blue Water Bridge, $33,000 multiplied by the result obtained when the sum of the rates levied by the Village in that year on the commercial assessment in respect of the net lower tier levy and the net county levy is divided by the sum of the rates levied by the Village in 1983 on the commercial assessment in respect of the net lower tier levy and the net county levy.

PART II

Year	Amounts Payable by the Niagara Falls Bridge Commission to the City of Niagara Falls
1982	A. One-third of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A plus C. $22,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.
1983	A. Two-thirds of the yearly tax equivalent amount for 1983 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A plus C. $44,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.
1984	A. The yearly tax equivalent amount for 1984 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus B. Local improvement rates for 1984 in respect of the real property mentioned in paragraph A plus C. $66,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.
1985 and each subsequent year	A. The yearly tax equivalent amount for the particular year in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus

B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

C. In respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, $66,000 multiplied by the result obtained when the sum of the rates levied by the City in that year on the commercial assessment in respect of the net lower tier levy and the net regional levy is divided by the sum of the rates levied by the City in 1984 on the commercial assessment in respect of the net lower tier levy and the net regional levy.

PART III

Year	Amounts Payable by the Niagara Falls Bridge Commission to the Town of Niagara-on-the-Lake
1982	A. One-third of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commisson
	plus
	B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A
	plus
	C. $11,000 in respect of the structure known as the Queenston-Lewiston Bridge.
1983	A. Two-thirds of the yearly tax equivalent amount for 1983 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission
	plus
	B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A
	plus
	C. $22,000 in respect of the structure known as the Queenston-Lewiston Bridge.
1984	A. The yearly tax equivalent amount for 1984 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission
	plus
	B. Local improvement rates for 1984 in respect of the real property mentioned in paragraph A
	plus

C. $33,000 in respect of the structure known as the Queenston-Lewiston Bridge.

1985 and each subsequent year

A. The yearly tax equivalent amount for the particular year in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission

plus

B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

C. In respect of the structure known as the Queenston-Lewiston Bridge, $33,000 multiplied by the result obtained when the sum of the rates levied by the Town in that year on the commercial assessment in respect of the net lower tier levy and the net regional levy is divided by the sum of the rates levied by the Town in 1984 on the commercial assessment in respect of the net lower tier levy and the net regional levy.

PART IV

Year	Amounts Payable by the Minister of Municipal Affairs and Housing to the Village of Point Edward
1981	A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part I of this Schedule plus B. $22,000.
1982	A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part I of this Schedule plus B. $11,000.

PART V

Year	Amounts Payable by the Minister of Municipal Affairs and Housing to the City of Niagara Falls
1982	A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part II of this Schedule plus B. $44,000.
1983	A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part II of this Schedule plus B. $22,000.

PART VI

Year	Amounts Payable by the Minister of Municipal Affairs and Housing to the Town of Niagara-on-the-Lake
1982	A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part III of this Schedule plus B. $22,000.
1983	A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part III of this Schedule plus B. $11,000.

An Act respecting
certain International Bridges

1st Reading

November 20th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

1981

BILL 171

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act respecting certain International Bridges

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 171 1981

An Act respecting certain International Bridges

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R.S.O. 1980, c. 31, application to certain bridge

1.—(1) Notwithstanding any general or special Act, the *Assessment Act* applies to the real property vested in or controlled by the Blue Water Bridge Authority and situate within the Village of Point Edward but such real property is not subject to taxation and the Blue Water Bridge Authority is not subject to assessment for business assessment under section 7 of the *Assessment Act* in respect of its occupation or use of the real property.

Idem

(2) Notwithstanding any general or special Act, the *Assessment Act* applies to the real property vested in or controlled by the Niagara Falls Bridge Commission and situate within the City of Niagara Falls and the Town of Niagara-on-the-Lake but such real property is not subject to taxation and the Niagara Falls Bridge Commission is not subject to assessment for business assessment under section 7 of the *Assessment Act* in respect of its occupation or use of the real property.

Payments to Village of Point Edward

2.—(1) The Blue Water Bridge Authority shall pay to the Village of Point Edward in the year 1981 and in each subsequent year the amounts as determined under Part I of the Schedule for the particular year.

Payments to City of Niagara and Town of Niagara-on-the-Lake

(2) The Niagara Falls Bridge Commission shall pay to the City of Niagara Falls and the Town of Niagara-on-the-Lake in the year 1982 and in each subsequent year the amounts as determined under Parts II and III, respectively, of the Schedule for the particular year.

Payments by Minister

(3) The Minister of Municipal Affairs and Housing shall pay to the Village of Point Edward in the years 1981 and 1982 and to the City of Niagara Falls and the Town of Niagara-on-the-Lake in the years 1982 and 1983 the amounts as determined under Parts IV, V and VI, respectively, of the Schedule for the particular year.

Collection of payments

3. The sums of money referred to in Parts I to III of the Schedule to the Act may be added to the collector's roll of taxes when it is prepared for the year in which the sums are payable and upon being so added such sums are deemed to be municipal taxes due on the real property in respect of which they are payable and the provisions of the *Municipal Act* or the *Municipal Affairs Act*, as the case may be, as to the collection and recovery of taxes including the addition of percentage charges and interest for non-payment of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1980, cc. 302, 303

Allocation of payments

4.—(1) A portion of the amount payable to a local municipality in any year under this Act, but not including an amount in respect of local improvement rates, shall be allocated to the county or corporation of the Regional Municipality, as the case may be, within which the local municipality is situate, and such portion shall be in the same proportion to the amount as is the rate levied by the local municipality in that year in respect of its net county levy or net regional levy, as the case may be, to the sum of the rates levied by the local municipality in that year in respect of its net lower tier levy and its net county levy or net regional levy, as the case may be.

Interpretation

(2) In subsection (1), "rate" means the rate levied on the assessment for real property used as the basis for computing business assessment.

Apportionment

5.—(1) The assessment of the real property mentioned in subsection 1 (1) shall be deemed to be commercial assessment upon which taxes were levied for all purposes other than school purposes for the purposes of section 365 of the *Municipal Act*.

Idem

(2) The assessment of the real property mentioned in subsection 1 (2) shall be deemed to be rateable property for the purposes of subsection 128 (3) of the *Regional Municipality of Niagara Act*.

R.S.O. 1980, c. 438

Idem

(3) Except as provided in subsections (1) and (2), the assessment of the real property mentioned in section 1 shall not be included when determining the equalized assessment or rateable property of a local municipality for purposes of apportioning the requisition or levy of any body.

Repeals

6. The following are repealed:

1. Sections 2 and 3 of *The Rainbow Bridge Act, 1941*, being chapter 48.

2. *The Lewiston-Queenston Bridge Act, 1967*, being chapter 46.

3. *The Whirlpool Rapids Bridge Act, 1967,* being chapter 105.

4. *The Village of Point Edward Act, 1979,* being chapter 72.

Commencement

7.—(1) This Act, except subsections 1 (2) and 5 (2) and paragraphs 1 to 3 of section 6, shall be deemed to have come into force on the 1st day of January, 1981.

Idem

(2) Subsections 1 (2) and 5 (2) and paragraphs 1 to 3 of section 6 come into force on the 1st day of January, 1982.

Short title

8. The short title of this Act is the *International Bridges Municipal Payments Act, 1981*.

SCHEDULE

In this Schedule,

(*a*) "assessment" when used or applied in respect of real property situate within a municipality in respect of any year means the assessment for that real property as shown on the assessment roll used for taxation purposes by the municipality in that year;

(*b*) "commercial assessment" means the assessment for real property that is used as the basis for determining business assessment;

(*c*) "yearly tax equivalent amount" when used in respect of any year in connection with real property situate within a local municipality means the amount that would be produced by applying to the assessment for that real property the rates levied by the local municipality in that year in respect of its net lower tier levy and its net county levy or net regional levy, as the case may be, upon the assessment of real property in the municipality used as the basis for computing business assessment.

PART I

Year	Amounts Payable by the Blue Water Bridge Authority to the Village of Point Edward
1981	A. One-third of the yearly tax equivalent amount for 1981 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority plus B. Local improvement rates for 1981 in respect of the real property mentioned in paragraph A plus C. $11,000 in respect of the structure known as the Blue Water Bridge.

1982

A. Two-thirds of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority

plus

B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A

plus

C. $22,000 in respect of the structure known as the Blue Water Bridge.

1983

A. The yearly tax equivalent amount for 1983 in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority

plus

B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A

plus

C. $33,000 in respect of the structure known as the Blue Water Bridge.

1984 and each subsequent year

A. The yearly tax equivalent amount for the particular year in respect of the real property, except for the structure known as the Blue Water Bridge, situate within the Village of Point Edward and vested in or controlled by the Authority

plus

B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

C. In respect of the structure known as the Blue Water Bridge, $33,000 multiplied by the result obtained when the sum of the rates levied by the Village in that year on the commercial assessment in respect of the net lower tier levy and the net county levy is divided by the sum of the rates levied by the Village in 1983 on the commercial assessment in respect of the net lower tier levy and the net county levy.

PART II

Year	Amounts Payable by the Niagara Falls Bridge Commission to the City of Niagara Falls
1982	A. One-third of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A plus C. $22,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.
1983	A. Two-thirds of the yearly tax equivalent amount for 1983 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A plus C. $44,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.
1984	A. The yearly tax equivalent amount for 1984 in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus B. Local improvement rates for 1984 in respect of the real property mentioned in paragraph A plus C. $66,000 in respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge.
1985 and each subsequent year	A. The yearly tax equivalent amount for the particular year in respect of the real property, except for the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, situate within the City of Niagara Falls and vested in or controlled by the Commission plus

B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

C. In respect of the structures known as the Whirlpool Rapids Bridge and the Rainbow Bridge, $66,000 multiplied by the result obtained when the sum of the rates levied by the City in that year on the commercial assessment in respect of the net lower tier levy and the net regional levy is divided by the sum of the rates levied by the City in 1984 on the commercial assessment in respect of the net lower tier levy and the net regional levy.

PART III

Year	Amounts Payable by the Niagara Falls Bridge Commission to the Town of Niagara-on-the-Lake
1982	A. One-third of the yearly tax equivalent amount for 1982 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commisson
	plus
	B. Local improvement rates for 1982 in respect of the real property mentioned in paragraph A
	plus
	C. $11,000 in respect of the structure known as the Queenston-Lewiston Bridge.
1983	A. Two-thirds of the yearly tax equivalent amount for 1983 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission
	plus
	B. Local improvement rates for 1983 in respect of the real property mentioned in paragraph A
	plus
	C. $22,000 in respect of the structure known as the Queenston-Lewiston Bridge.
1984	A. The yearly tax equivalent amount for 1984 in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission
	plus
	B. Local improvement rates for 1984 in respect of the real property mentioned in paragraph A
	plus

C. $33,000 in respect of the structure known as the Queenston-Lewiston Bridge.

1985 and each subsequent year

A. The yearly tax equivalent amount for the particular year in respect of the real property, except for the structure known as the Queenston-Lewiston Bridge, situate within the Town of Niagara-on-the-Lake and vested in or controlled by the Commission

plus

B. Local improvement rates for that year in respect of the real property mentioned in paragraph A

plus

C. In respect of the structure known as the Queenston-Lewiston Bridge, $33,000 multiplied by the result obtained when the sum of the rates levied by the Town in that year on the commercial assessment in respect of the net lower tier levy and the net regional levy is divided by the sum of the rates levied by the Town in 1984 on the commercial assessment in respect of the net lower tier levy and the net regional levy.

PART IV

Year	Amounts Payable by the Minister of Municipal Affairs and Housing to the Village of Point Edward
1981	A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part I of this Schedule plus B. $22,000.
1982	A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part I of this Schedule plus B. $11,000.

PART V

Year	Amounts Payable by the Minister of Municipal Affairs and Housing to the City of Niagara Falls
1982	A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part II of this Schedule plus B. $44,000.
1983	A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part II of this Schedule plus B. $22,000.

PART VI

Year	Amounts Payable by the Minister of Municipal Affairs and Housing to the Town of Niagara-on-the-Lake
1982	A. Two-thirds of the yearly tax equivalent amount mentioned in paragraph A of Part III of this Schedule plus B. $22,000.
1983	A. One-third of the yearly tax equivalent amount mentioned in paragraph A of Part III of this Schedule plus B. $11,000.

An Act respecting
certain International Bridges

1st Reading

November 20th, 1981

2nd Reading

December 8th, 1981

3rd Reading

December 10th, 1981

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

1981

BILL 172 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the District Municipality of Muskoka Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Notes

Section 1. The section proposed to be added empowers the Lieutenant Governor in Council, on the recommendation of the Minister pursuant to an application by an area municipality, to alter the status of the municipality to that of a township, village, town or city municipality and to provide for other matters consequent on the alteration in status.

Section 2.—Subsection 1. The amendment re-organizes the nine existing wards in the Township of Muskoka Lakes into three new wards for the purpose of the regular election to be held in 1982 and thereafter.

BILL 172 1981

An Act to amend the District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 2*a*, enacted

2*a*.—(1) Notwithstanding any Act, upon the recommendation of the Minister of Municipal Affairs and Housing pursuant to an application by an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council. Alteration in status of area municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

2.—(1) Subsection 3 (6) of the said Act is repealed and the following substituted therefor: s. 3 (6), re-enacted

(6) For the regular election to be held in 1982 and for all elections thereafter, the area municipality of the Township of Muskoka Lakes is divided into the following wards: Muskoka Lakes

1. Ward A—which shall comprise that part of the geographic Township of Wood now within the Township of Muskoka Lakes, together with that part of the geo-

graphic Township of Medora that was within the Town of Bala on the 31st day of December, 1970, being more particularly described as follows:

COMMENCING at the southwest angle of the geographic Township of Wood;

THENCE northerly along the westerly limit of the Township of Wood, being the easterly limit of the Township of Baxter and the Township of Gibson, to the northwest angle of the Township of Wood;

THENCE easterly along the centre of the Muskoka River, being the geographic boundary between the Township of Medora and the Township of Wood to the point where the said boundary is intersected by the line between lots 6 and 7 in Concession D of the Township of Medora produced southerly to intersect the said boundary;

THENCE northerly along the said boundary produced and the boundary between lots 6 and 7 in Concession D of the Township of Medora to the northwest angle of Lot 7 in Concession D of the Township of Medora;

THENCE easterly along the boundary between Concession D and Concession E of the Township of Medora to the northeast angle of Lot 12 in Concession D of the Township of Medora;

THENCE southerly along the easterly boundary of Lot 12 in Concession D of the Township of Medora and the said easterly boundary produced to the centre line of the road allowance between Concession C and Concession D of the said Township;

THENCE easterly along the centre line of the road allowance between Concession C and Concession D of the Township of Medora to the intersection of the said centre line with the production northerly of the easterly boundary of Lot 14 in Concession C;

THENCE southerly along the production northerly and the easterly boundary of Lot 14 in Concession C of the Township of Medora to the southeast angle of Lot 14 in Concession C of the Township of Medora;

THENCE easterly along the boundary between Concession B and Concession C of the Township of Medora to the high water mark of Lake Muskoka;

THENCE continuing on the production easterly of the boundary between Concession B and Concession C to a point in Lake Muskoka half way between the mainland high water mark and the westerly high water mark of Acton Island;

THENCE southerly through Lake Muskoka along the line midway between the shore of Lake Muskoka and Acton Island and continuing midway between the shore of Bala Park Island and Acton Island to the point of intersection with the geographic boundary between the Township of Medora and the Township of Wood;

THENCE in a general northeasterly direction through Lake Muskoka following the geographic boundary between the Township of Medora and the Township of Wood to its intersection with the geographic boundary between the Township of Wood and the Township of Monck;

THENCE southeasterly through Lake Muskoka along the boundary between the Township of Wood and the Township of Monck to its intersection with the geographic boundary between the Township of Wood and the Township of Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the Township of Muskoka and the Township of Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the Township of Muskoka and the Township of Wood to the production northerly of the easterly limit of Lot 9 in Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions VI to XX, inclusive, and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township, being the point of commencement.

2. Ward B—which shall comprise the geographic Township of Cardwell, the geographic Township of

Watt and that part of the geographic Township of Monck now within the Township of Muskoka Lakes, being more particularly described as follows:

FIRSTLY, all of the geographic Township of Cardwell;

SECONDLY, all of the geographic Township of Watt;

THIRDLY, commencing at the northwest angle of the geographic Township of Monck;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 in Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 in Concession V produced southerly with the centre line of the original allowance for road between Concession IV and Concession V;

THENCE westerly along the said centre line of the original allowance for road between Concession IV and Concession V to its intersection with the original high water mark of Lake Muskoka;

THENCE north 85° west through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between Lot 15 and Lot 16 in Concession VI;

THENCE south 10° west through Lake Muskoka a distance of 43 chains;

THENCE north 80° west through Lake Muskoka between Pine Island and Birch Island, 136 chains;

THENCE south 10° west through Lake Muskoka to its intersection with the boundary between the Township of Monck and the Township of Wood;

THENCE northwesterly along the boundary between the Township of Monck and the Township of Wood and the boundary between the Township of Monck and the Township of Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the westerly boundary to the point of commencement.

3. Ward C—which shall comprise the geographic Township of Medora, save and except that portion of the said Township that was within the limits of the Town of Bala on the 31st day of December, 1970, being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to the southwesterly angle of the Township of Medora;

THENCE easterly along the centre of the Muskoka River, being the geographic boundary between the Township of Medora and the Township of Wood to the point where the said boundary is intersected by the line between Lot 6 and Lot 7 in Concession D of the Township of Medora produced southerly to intersect the said boundary;

THENCE northerly along the said boundary produced and the boundary between Lot 6 and Lot 7 in Concession D of the Township of Medora to the northwest angle of Lot 7 in Concession D of the Township of Medora;

THENCE easterly along the boundary between Concession D and Concession E of the Township of Medora to the northeast angle of Lot 12 in Concession D of the Township of Medora;

THENCE southerly along the easterly boundary of Lot 12 in Concession D of the Township of Medora and the said easterly boundary produced to the centre line of the road allowance between Concession C and Concession D of the said Township;

THENCE easterly along the centre line of the road allowance between Concession C and Concession D of the Township of Medora to the intersection of the said centre line with the production northerly of the easterly boundary of Lot 14 in Concession C;

THENCE southerly along the production northerly and the easterly boundary of Lot 14 in Concession C of the Township of Medora to the southeast angle of Lot 14 in Concession C of the Township of Medora;

THENCE easterly along the boundary between Concession B and Concession C of the Township of Medora to the high water mark of Lake Muskoka;

THENCE continuing on the production easterly of the boundary between Concession B and Concession C to a point in Lake Muskoka, half way between the mainland high water mark and the westerly high water mark of Acton Island;

THENCE southerly through Lake Muskoka along the line midway between the shore of Lake Muskoka and Acton Island and continuing midway between the shore of Bala Park Island and Acton Island to the point of intersection with the geographic boundary between the Township of Medora and the Township of Wood;

THENCE in a general northeasterly direction through Lake Muskoka following the geographic boundary between the Township of Medora and the Township of Wood and the boundary between the Township of Medora and the Township of Monck to its intersection with the north shore of Lake Muskoka;

THENCE continuing northerly along the easterly boundary of the Township of Medora to a point on the shore of Lake Rosseau at its intersection with the easterly boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the Township of Medora to its intersection with the northerly limit of the Township of Medora;

THENCE westerly along the northerly limit of the Township of Medora to the point of commencement.

s. 3 (7), re-enacted

(2) Subsection 3 (7) of the said Act is repealed and the following substituted therefor:

Representation on area councils

(7) On or after the 1st day of December, 1982, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council and the following number of other members of the council:

1. The Town of Bracebridge—eight members as follows

   i. The three members elected under clause 6 (*b*),

   ii. Five members elected as members of the council of the area municipality as follows:

Subsection 2. See explanatory note for section 3 of the Bill.

Bracebridge Ward	One member
Draper Ward	One member
Macaulay Ward	One member
Monck South Ward and Muskoka North Ward	One member
Oakley Ward	One member

2. The Township of Georgian Bay—five members as follows:

    i. The two members elected under clause 6 (*c*),

    ii. Three members elected as members of the council of the area municipality as follows:

Baxter Ward	One member
Freeman Ward	One member
Gibson Ward	One member

3. The Town of Gravenhurst—eight members as follows:

    i. The three members elected under clause 6 (*d*),

    ii. Five members elected as members of the council of the area municipality as follows:

Gravenhurst Ward	Two members
Morrison Ward	One member
Muskoka South Ward	One member
Ryde Ward	One member

4. The Town of Huntsville—eight members as follows:

    i. The three members elected under clause 6 (*e*),

    ii. Five members elected as members of the council of the area municipality as follows:

Brunel Ward	One member
Chaffey Ward	One member

Huntsville Ward ..... One member

Port Sydney Ward,
Stephenson Ward and
Stisted Ward ..... Two members

5. The Township of Lake of Bays—six members as follows:

i. The two members elected under clause 6 (*f*),

ii. Four members elected as members of the council of the area municipality as follows:

Franklin Ward ..... One member

McLean Ward ..... One member

Ridout Ward ..... One member

Sinclair Ward ..... One member

6. The Township of Muskoka Lakes—nine members as follows:

i. The three members elected under clause 6 (g),

ii. Six members elected as members of the council of the area municipality as follows:

Ward A ..... Two members

Ward B ..... Two members

Ward C ..... Two members

s. 3, amended

(3) Section 3 of the said Act is amended by adding thereto the following subsections:

Alteration of wards, etc., by O.M.B.

R.S.O. 1980, c. 302

(8) Notwithstanding the provisions of this or any other Act upon the application of an area municipality authorized by by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

(*a*) divide or redivide the area municipality into wards and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;

Subsection 3. The added subsections provide for the alteration of ward boundaries of the area municipalities by the Municipal Board, and for matters consequent thereon; the provisions are similar to those now found in the various regional Acts.

SECTION 3. At present, members of the District Council are elected from among the members of the councils of the area municipalities. The proposed amendment provides for the direct election of members of the District Council. Persons elected to the District Council will also be elected as members of the council of the area municipality for the area from which they were elected.

(*b*) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or

(*c*) vary the composition of the council of the area municipality,

provided that,

(*d*) no order made under this section shall alter the total number of members who represent the area municipality on the District Council as provided for in this Act; and

(*e*) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the District Council, as provided for in this Act.

Order of L.G. in C.

(9) Notwithstanding section 6, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the District Council as is considered advisable following an order of the Municipal Board under subsection (8).

Stay of proceedings pending completion of inquiry

(10) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the District Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (8) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municial Board that they may be continued.

s. 6, re-enacted

3. Section 6 of the said Act is repealed and the following substituted therefor:

Composition of District Council

6. On and after the 1st day of December, 1982, the District Council shall consist of twenty-three members composed of a chairman and,

(*a*) the mayor of each area municipality;

(*b*) three members elected as members of the council of the area municipality and of the District Council from the area municipality of the Town of Bracebridge by general vote;

(*c*) two members elected as members of the council of the area municipality and of the District Council from the area municipality of the Township of Georgian Bay as follows,

(i) Baxter Ward ..... One member

(ii) Freeman Ward and Gibson Ward ..... One member;

(*d*) three members elected as members of the council of the area municipality and of the District Council from the area municipality of the Town of Gravenhurst as follows,

(i) Gravenhurst Ward ..... One member

(ii) Muskoka Ward ..... One member

(iii) Morrison Ward and Ryde Ward ..... One member;

(*e*) three members elected as members of the council of the area municipality and of the District Council from the area municipality of the Town of Huntsville by general vote;

(*f*) two members elected as members of the council of the area municipality and of the District Council from the area municipality of the Township of Lake of Bays as follows,

(i) Franklin Ward and Sinclair Ward ..... One member

(ii) McLean Ward and Ridout Ward ..... One member;

and

(*g*) three members elected as members of the council of the area municipality and of the District Council from the area municipality of the Township of Muskoka Lakes as follows,

(i) Ward A..... One member

(ii) Ward B..... One member

(iii) Ward C..... One member.

SECTION 4. This section continues the present wards in the Township of Muskoka Lakes and it also continues the composition of the District and area municipality councils and the method of electing members thereto until the amendments set out in sections 2 and 3 of the Bill come into effect in 1982.

SECTION 5. The proposed subsection (3*a*) makes certain provisions of the *Municipal Act* applicable to the District Council. These provisions set out the grounds for disqualification of members of council, the situations giving rise to a vacancy in the office of a member of council, the requirement that a council declare a seat vacant when a vacancy occurs, the procedure for bringing a court action to have a seat declared vacant, and the requirement that a member take his declaration of office within a prescribed time period.

The proposed subsection (3*b*) sets out the procedure to be followed by a member wishing to resign.

The proposed subsection (3*c*) provides that where the seat of a member on the District Council becomes vacant, his seat on the council of the area municipality that he represents automatically becomes vacant, and vice versa. This proposed subsection would apply, for example, where a member missed meetings of the District Council for three successive months but was regularly attending meetings of the local council. Without this proposed subsection, the seat of the member on the District Council would become vacant but his seat on the council of the area municipality would not.

The proposed subsection (3*d*) provides that when the seat of a member is declared vacant by the District Council or by the council of the area municipality that he represents, the council declaring the vacancy shall immediately inform the other council of its declaration.

The proposed subsection (3*e*) provides that the seat of a member on the District Council or on the council of an area municipality shall be declared vacant if that council is informed that the other council has declared his seat on such other council to be vacant.

4.—(1) The wards in the area municipality of the Township of Muskoka Lakes, as set out in subsection 3 (6) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, as that subsection read immediately prior to the coming into force of subsection 2 (1) of this Act, are continued until the 30th day of November, 1982. Existing wards continued

(2) The composition of the council of each area municipality and the method of electing members to each council, as set out in subsection 3 (7) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, as that subsection read immediately prior to the coming into force of subsection 2 (2) of this Act, are continued until the 30th day of November, 1982. Composition of council of area municipalities continued

(3) The composition of the District Council and the method of electing members to the District Council, as set out in section 6 of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, as that section read immediately prior to the coming into force of section 3 of this Act, are continued until the 30th day of November, 1982. Composition of District Council continued

5.—(1) Section 10 of the said Act is amended by adding thereto the following subsections: s. 10, amended

(3*a*) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the District Council. Application of R.S.O. 1980, c. 302

(3*b*) A member of the District Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect. Resignation from District Council

(3*c*) If not already vacant by virtue of any general or special Act, Where vacancy in District Council or area municipality council

(*a*) the seat of a member of the District Council becomes vacant if the seat of that member on the council of an area muncipality is declared vacant by the council of that area muncipality; and

(*b*) the seat of a member of the council of an area muncipality becomes vacant if the seat of that member on the District Council is declared vacant by the District Council.

Declaration of vacancy

(3*d*) Where the District Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*), and subsection (3*c*) applies, the District Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*) the District Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

s. 10 (5), repealed

(2) Subsection 10 (5) of the said Act is repealed.

s. 20 (*a*), re-enacted

6. Clause 20 (*a*) of the said Act is repealed and the following substituted therefor:

(*a*) open an account or accounts in the name of the District Corporation at such place of deposit as may be approved by the District Council.

s. 38, amended

7. Section 38 of the said Act is amended by adding thereto the following subsections:

Establishment of bus lanes, etc.

(2) The District Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law, and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Interpretation

(3) For the purposes of subsection (2),

(*a*) "any other municipality" includes a metropolitan and regional muncipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the District Corporation or any other municipality, or by a transit commission in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 55, repealed

8. Section 55 of the said Act is repealed.

s. 73 (2), re-enacted

9. Subsection 73 (2) of the said Act is repealed and the following substituted therefor:

SECTION 6. Clause 20 (*a*) sets out one of the duties of the treasurer of the District Corporation and is set out below as it now reads showing underlined the words proposed to be deleted by the re-enactment:

20. Subject to subsection 22 (3), the treasurer shall,

(a) open an account or accounts in the name of the District Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the District Council;

. . . . .

SECTION 7. The subsection to be added confers authority on the District Council to designate lanes on district roads for the use of public transit motor vehicles or any class thereof or by the other classes of motor vehicles set out in the subsection and is similar to the authority conferred on regional councils in respect of regional roads.

SECTION 8. The section proposed to be repealed authorizes the District Council to grant aid to public hospitals. The District Council may grant aid to hospitals under section 113 of the *Municipal Act* and accordingly the specific authority to do so is not required in this Act.

SECTION 9. The effect of the proposed re-enactment of subsection 73 (2) is to delete from the end of the subsection as it now reads the words "and for such reserves within such limits as to type and amount as the Ministry may approve". Authority to provide in the estimates for the establishment of a reserve fund is found in section 81 of the Act and the words to be deleted are accordingly redundant.

SECTION 10.—Subsection 1. The amendment will decrease from ten years to five years the minimum period within which instalment debentures issued by the District Corporation may mature.

Subsection 2. The subsection proposed to be added permits a portion of any premium received on debentures issued by the District Corporation payable in a foreign currency to be set aside in a reserve fund to pay any premium on annual payments of principal and interest on the debentures.

SECTION 11. Sections 114, 115 and 122 are added as sections of the *Municipal Act* that apply to the District Corporation. Section 114 provides for offering awards and establishing competitions for awards; section 115 authorizes the provision of fellowships and scholarships, while section 122 authorizes agreements with the Crown respecting the use of the property or of the servants or officers of a municipality or the Crown (in right of Ontario) or the joint acquisition of property by the municipality and the Crown.

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to be made in estimates

10.—(1) Clause 88 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five". s. 88 (7) (*a*), amended

(2) Section 88 of the said Act is amended by adding thereto the following subsection: s. 88, amended

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*) or (*c*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premiums on foreign currency

11. Subsection 108 (1) of the said Act is repealed and the following substituted therefor: s. 108 (1), re-enacted

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 105, 106, 113, 114, 115, 116, 121 and 122, subsection 165 (3), section 190, paragraphs 3, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210 and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 253 of the *Municipal Act*, the District Corporation shall be deemed to be a local municipality. Application of R.S.O. 1980, c. 302

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. The short title of this Act is the *District Municipality of Muskoka Amendment Act, 1981*. Short title

An Act to amend the
District Municipality of Muskoka Act

1st Reading

November 23rd, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

1981

BILL 173 Private Member's Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to prevent Conflicts of Interest in the Proceedings of Administrative Tribunals

Mr. Philip

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The Bill prohibits former members and officers of tribunals subject to Part I of the *Statutory Powers Procedure Act* from acting as advocates before those bodies for a two-year period after ceasing to hold their positions. The same restriction is imposed on former ministers and deputy ministers in connection with tribunals under the administration of their former ministries.

The maximum penalty is $10,000.

BILL 173 1981

An Act to prevent Conflicts of Interest in the Proceedings of Administrative Tribunals

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation
R.S.O. 1980, c. 484

1. In this Act, "tribunal" means a tribunal to which Part I of the *Statutory Powers Procedure Act* applies.

Conflict of interest

2. No person shall, for a period of two years from the day on which he ceases to be a member or officer of a tribunal,

(*a*) appear as counsel or agent for any party before the tribunal; or

(*b*) prepare any written material that includes his name or other identification for submission to the tribunal, except on his own behalf.

Idem

3. No person shall, for a period of two years from the day on which he ceases to be a minister of the Crown or a deputy minister,

(*a*) appear as counsel or agent for any party before a tribunal that is under the administration of his former ministry; or

(*b*) prepare any written material that includes his name or other identification for submission to such a tribunal, except on his own behalf.

Offence

4. Every person who contravenes this Act is guilty of an offence and on conviction is liable to a fine of not more than $10,000.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Tribunals Conflict of Interest Act, 1981*.

An Act to prevent Conflicts
of Interest in the Proceedings of
Administrative Tribunals

1st Reading

November 24th, 1981

2nd Reading

3rd Reading

MR. PHILIP

(*Private Member's Bill*)

1981

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act respecting the Succession to Estates of Deceased Persons in Ontario who have Beneficiaries residing in Designated Countries

MR. SMITH

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is to ensure that payments from the estates of persons domiciled in Ontario at the time of death are not made to foreign beneficiaries who are unlikely to receive for their whole benefit or use substantially the full value of any payments made under the estate and who reside in certain countries designated by regulation. The Bill provides for an application to be made to a court for an order permitting payments to a foreign beneficiary. The court may also order that no payment be made to a foreign beneficiary, in which case the court shall make an order disposing of the estate in accordance with the rules of succession contained in the *Succession Law Reform Act* with necessary modifications.

BILL 174 1981

An Act respecting the Succession to Estates of Deceased Persons in Ontario who have Beneficiaries residing in Designated Countries

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "court" means a surrogate court or the Supreme Court of Ontario;

(*b*) "deceased person" means a person who was domiciled in Ontario at the time of death;

(*c*) "foreign beneficiary" means a person who ordinarily resides in a country designated in the regulations;

(*d*) "payment" includes a payment, transfer, disposition or distribution of property;

(*e*) "personal representative" means an executor, an administrator or an administrator with will annexed;

(*f*) "property" means real or personal property;

(*g*) "will" includes,

(i) a testament,

(ii) a codicil,

(iii) an appointment by will or by writing in the nature of a will in exercise of a power, and

(iv) any other testamentary disposition.

2. Where a will directs that a payment be made to a foreign beneficiary and where that foreign beneficiary makes an appli- Application by foreign beneficiary

cation to the court to vary the manner of payment, the court shall not give its consent to that application, unless the court is satisfied that,

(*a*) the foreign beneficiary is likely to receive for his or her whole benefit or use or control substantially the full value of the payment being made to that person; and

(*b*) in all the circumstances of the case the result would be just and equitable, having regard to the intentions of the deceased person, so far as ascertainable,

in which case the court may grant the application to vary the manner of payment or make such other order as it considers appropriate in the circumstances.

Application by personal representative
R.S.O. 1980, c. 488

3.—(1) Where a foreign beneficiary is entitled under Part II of the *Succession Law Reform Act* to all or part of the property comprising the estate of a deceased person, the personal representative of the deceased person shall not make any payment to that person of all or any part of such property unless the personal representative makes application and obtains an order from the court permitting the payment to be made to that person.

Order by court

(2) A court shall not make an order under subsection (1) unless the court is satisfied that,

(*a*) the foreign beneficiary is entitled to property from the estate;

(*b*) the foreign beneficiary is likely to receive for his or her whole benefit or use or control substantially the full value of the payment to be made to that person; and

(*c*) in all the circumstances of the case, the result would be just and equitable having regard to the intentions of the deceased person, so far as ascertainable,

in which case the court may make such order and may direct the payment to be made to the foreign beneficiary in such manner as it considers appropriate under the circumstances.

Idem

(3) Where the court has decided that no order should be made under subsection (2) because,

(*a*) the foreign beneficiary would be unlikely to receive for his or her whole benefit or use or control substantially the full value of the payment to be made to that person; or

(*b*) in all the circumstances of the case, the result would not be just or equitable having regard to the intentions of the deceased person, so far as ascertainable,

the court may make such order and may direct such payment to be made to the foreign beneficiary in such manner as it considers appropriate or the court may refuse to direct any payment to be made to the foreign beneficiary of the deceased person, in which case the court shall make an order disposing of the estate of the deceased person in accordance with the provisions for succession contained in the *Succession Law Reform Act* with necessary modifications. R.S.O. 1980, c. 488

4.—(1) Where a foreign beneficiary makes an application for an order under Part V of the *Succession Law Reform Act* for property from the estate of a deceased person, the court shall not make an order unless the court is satisfied that, Application under Part V of R.S.O. 1980, c. 488

(*a*) the foreign beneficiary is entitled to property from that estate;

(*b*) the foreign beneficiary is likely to receive for his or her whole benefit or use or control substantially the full value of the payment to be made to that person; and

(*c*) in all the circumstances of the case, the result would be just and equitable having regard to the intentions of the deceased person, so far as ascertainable,

in which case the court may make such order and direct the payment to be made to the foreign beneficiary in such manner as it considers appropriate under the circumstances.

(2) Where the court has decided that no order should be made under subsection (1) because, Idem

(*a*) the foreign beneficiary would be unlikely to receive for his or her whole benefit or use or control substantially the full value of the payment to be made to that person; or

(*b*) in all the circumstances of the case, the result would not be just or equitable having regard to the intentions of the deceased person, so far as ascertainable,

the court may make such order and may direct such payment to be made to the foreign beneficiary in such manner as it considers

appropriate or the court may refuse to direct any payment to be made to the foreign beneficiary of the deceased person, in which case the court shall make an order disposing of the estate of the deceased person in accordance with the provisions for succession contained in the *Succession Law Reform Act* with necessary modifications.

R.S.O. 1980, c. 488

Considerations on application

5. Upon the hearing of an application under section 3 or 4, the court shall inquire into and consider all the circumstances of the application, including,

(*a*) the proximity and duration of the foreign beneficiary's relationship with the deceased person;

(*b*) where the foreign beneficiary is the spouse of the deceased person, a course of conduct by the spouse during the life-time of the deceased person that is an obvious and gross repudiation of the relationship;

(*c*) the circumstances of the deceased person at the time of death;

(*d*) any agreement between the deceased person and the foreign beneficiary; and

(*e*) any previous distribution or division of property made by the deceased person in favour of the foreign beneficiary by gift or agreement or under court order.

Evidence

6.—(1) Upon the hearing of an application under section 2, 3 or 4, the court,

(*a*) in addition to the evidence adduced by the parties appearing, may direct such other evidence to be given as the court considers necessary or proper; and

(*b*) may accept such evidence as the court considers proper of the deceased person's intentions, so far as ascertainable, including any statement in writing signed by the deceased person.

Idem

(2) In estimating the weight to be given to a statement referred to in clause (1) (*b*), the court shall have regard to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement.

Penalty

7. Every person who contravenes subsection 3 (1) is guilty of an offence and on conviction is liable to a fine of not more than $10,000.

8. The Lieutenant Governor in Council may make regulations designating countries for the purpose of this Act. Regulations

9. This Act does not apply in respect of the estates of persons who died before this Act came into force. Application of Act

10. This Act comes into force on the day it receives Royal Assent. Commencement

11. The short title of this Act is the *Succession Law Act, 1981*. Short title

An Act respecting the Succession to Estates of Deceased Persons in Ontario who have Beneficiaries residing in Designated Countries

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1st Reading

November 24th, 1981

2nd Reading

3rd Reading

MR. SMITH

(*Private Member's Bill*)

1981

BILL 175 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the McMichael Canadian Collection Act

THE HON. R. BAETZ
Minister of Culture and Recreation

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. Section 7 of the Act is re-enacted to ensure that the Board continues to maintain the present character of the collection.

Section 2. The new subsection 8 (2) of the Act ensures that no work of art donated to the Corporation will be sold without the consent of the donor or his heirs, executors, administrators or assigns.

Section 3. Clause 9 (1) (*c*) of the Act is repealed with the result that any restrictions on the disposition of the net profits from the Corporation's gift shop that heretofore formed part of the special fund are removed. These moneys would now become a part of the general fund of the Corporation.

Section 4. The new subsection 11 (3) of the Act provides for the remuneration of the Founder Director-Emeritus to be paid out of the general fund of the Corporation.

BILL 175 1981

An Act to amend the McMichael Canadian Collection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of the *McMichael Canadian Collection Act,* being chapter 259 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 7, re-enacted

7. The Board shall ensure that the focus of the collection is the art work and objects created by, Nature of collection

(*a*) Tom Thomson, Emily Carr, David Milne, A. Y. Jackson, Lawren Harris, A. J. Casson, Frederick Varley, Arthur Lismer, J. H. MacDonald, Franklin Carmichael;

(*b*) the indigenous peoples of Canada,

and other artists who have made contributions to the development of Canadian Art.

2. Section 8 of the said Act is amended by adding thereto the following subsection: s. 8, amended

(2) Notwithstanding clause (1) (*b*), no work of art donated or bequeathed to the Corporation shall be sold without the consent of the donor, his heirs, executors, administrators or assigns, unless there is an agreement to the contrary made at the time of the gift or thereafter. Consent of donor

3. Clause 9 (1) (*c*) of the said Act is repealed. s. 9 (1) (*c*), repealed

4. Section 11 of the said Act is amended by adding thereto the following subsection: s. 11, amended

(3) The Founder Director-Emeritus of the Corporation shall receive such remuneration as the Lieutenant Governor in Coun- Idem, Founder Director-Emeritus

cil may determine, payable out of the general fund of the Corporation.

s. 18 (*c*), re-enacted

5. Clause 18 (*c*) of the said Act is repealed and the following substituted therefor:

(*c*) Robert McMichael shall be the Founder Director-Emeritus of the Corporation with such powers as are assigned to him from time to time by the Board and shall hold such office during pleasure of the Lieutenant Governor in Council.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *McMichael Canadian Collection Amendment Act, 1981*.

SECTION 5. Clause 18 (*c*) of the Act as re-enacted appoints Robert McMichael "Founder Director-Emeritus" of the Corporation.

An Act to amend the
McMichael Canadian Collection Act

1st Reading

November 26th, 1981

2nd Reading

3rd Reading

THE HON. R. BAETZ
Minister of Culture and Recreation

(*Government Bill*)

1981

BILL 176 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Co-operative Corporations Act

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is to require that 60 per cent of the members of a co-operative must confirm, in writing, any resolution to convert the co-operative to a co-operative with or without share capital or to a corporation to which the *Business Corporations Act* applies or to which Part III of the *Corporations Act* applies. At present, such a conversion can be accomplished by the vote of 75 per cent of those members who actually attend a meeting called for the purpose of voting on the resolution. This means that 75 per cent of a quorum of the members can cause a major restructuring of a co-operative or cause it to cease to be a co-operative.

LL 176 1981

An Act to amend the Co-operative Corporations Act

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as ws:

. Subsections 151 (2) and (3) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 151 (2, 3), re-enacted

(2) An amendment under subsection (1) shall be authorized by a special resolution. Authorization

(3) Subject to section 152, if the amendment is an amendment under clause (1) (*l*), (*m*) or (*n*), then, in addition to the confirmation required by subsection (2), the resolution is not effective until it has been confirmed in writing by 60 per cent of the members. Additional authorization of amendments under subs. (1) (*l*), (*m*) or (*n*)

This Act comes into force on the day it receives Royal Assent. Commencement

The short title of this Act is the *Co-operative Corporations Amendment Act, 1981*. Short title

Co-operative Corporations Act

1st Reading

November 26th, 1981

2nd Reading

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

(*Government Bill*)

BILL 176

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Co-operative Corporations Act

The Hon. G. W. Walker
Minister of Consumer and Commercial Relations

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

BILL 176 1981

An Act to amend the Co-operative Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 151 (2) and (3) of the *Co-operative Corporations Act*, being chapter 91 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: s. 151 (2, 3), re-enacted

(2) An amendment under subsection (1) shall be authorized by a special resolution. Authorization

(3) Subject to section 152, if the amendment is an amendment under clause (1) (*l*), (*m*) or (*n*), then, in addition to the confirmation required by subsection (2), the resolution is not effective until it has been confirmed in writing by 60 per cent of the members. Additional authorization of amendments under subs. (1) (*l*), (*m*) or (*n*)

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Co-operative Corporations Amendment Act, 1981*. Short title

An Act to amend the
Co-operative Corporations Act

1st Reading

November 26th, 1981

2nd Reading

December 8th, 1981

3rd Reading

December 10th, 1981

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

1981

BILL 177 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Residential Tenancies Act

MR. KOLYN

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill prohibits officers and employees of the Residential Tenancy Commission from acting as advocates in hearings before the Commission for a one-year period upon leaving the Commission. The maximum penalty is $10,000.

BILL 177 1981

An Act to amend the Residential Tenancies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Residential Tenancies Act*, being chapter 452 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections: ss. 80*a*, 80*b*, enacted

80*a*. No person who has been an officer or an employee of the Commission shall, for a period of one year from the day on which he ceases to be an officer or an employee of the Commission, Conflict of interest

(*a*) appear as counsel or agent for any party before the Commission; or

(*b*) prepare any written material for submission to the Commission, except on his own behalf.

80*b*. Every person who contravenes section 80*a* is guilty of an offence and on conviction is liable to a fine of not more than $10,000. Offence

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Residential Tenancies Amendment Act, 1981*. Short title

An Act to amend the
Residential Tenancies Act

1st Reading

November 26th, 1981

2nd Reading

3rd Reading

MR. KOLYN

(*Private Member's Bill*)

1981

BILL 178 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Highway Traffic Act

THE HON. R. MCMURTRY
Solicitor General

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. The new provisions provide for an immediate twelve-hour suspension of a driver's licence by a police officer who finds a reading of over 50 milligrams of alcohol per 100 millilitres of blood on a roadside screening device or breathalyzer analysis or who proceeds with a charge of refusing to supply a breath sample.

BILL 178 1981

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 30*a*, enacted

30*a*.—(1) Where, upon demand of a police officer made under section 234.1 of the *Criminal Code* (Canada), a person provides a sample of his breath which, on analysis by an approved roadside screening device as defined in that section, registers "Warn", the police officer may request the person to surrender his driver's licence. Licence suspension: roadside test R.S.C. 1970, c. C-34

(2) Where, upon demand of a police officer made under subsection 235 (1) of the *Criminal Code* (Canada), a person provides a sample of his breath which, on analysis by an instrument approved as suitable for the purposes of section 237 of the *Criminal Code* (Canada), indicates that the proportion of alcohol in his blood is 50 milligrams or more of alcohol in 100 millilitres of blood, a police officer may request the person to surrender his driver's licence. Idem: breathalyzer test

(3) Where a person is charged with an offence under section 234.1 or 235 of the *Criminal Code* (Canada) or any procedure is taken pending the laying of such charge to assure the person's attendance in court on the charge, a police officer may request the person to surrender his driver's licence. Refusal to supply a breath sample

(4) Upon a request being made under subsection (1), (2) or (3), the person to whom the request is made shall forthwith surrender his driver's licence to the police officer and, whether or not the person is unable or fails to surrender his licence to the police officer, his licence is suspended and invalid for any purpose for a period of twelve hours from the time the request is made. Surrender of licence and suspension for twelve hours

Other charges

(5) The suspension of a driver's licence under this section is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

Second analysis

(6) Where an analysis of the breath of a person is made under subsection (1) and registers "Warn", the person may require a further analysis to be performed in the manner provided in subsection (2), in which case the result obtained on the second analysis governs and any suspension resulting from an analysis under subsection (1) continues or terminates accordingly.

Calibration of roadside screening device

(7) For the purposes of subsection (1), the roadside screening device shall not be calibrated to register "Warn" when the proportion of alcohol in the blood of the person whose breath is being analyzed is less than 50 milligrams of alcohol in 100 millilitres of blood.

Idem

(8) It shall be presumed, in the absence of proof to the contrary, that any roadside screening device used for the purposes of subsection (1) has been calibrated as required under subsection (7).

Records

(9) Where the licence of a person is suspended under this section, the police officer who requested the surrender of the licence under subsection (1), (2) or (3) shall,

(*a*) keep a written record of the licence suspended with the name and address of the person and the date and time of the suspension; and

(*b*) provide the person with a written statement of the time from which the suspension takes effect, the length of the period during which his licence is suspended, the place where the licence may be recovered upon the termination of the suspension and acknowledging receipt of the licence that is surrendered.

Removal of vehicle

(10) Where the licence of a person is suspended under this section, if the motor vehicle is in a location from which, in the opinion of a police officer, it should be removed, and there is no person with a licence easily available to remove the motor vehicle with the consent of the person whose licence is suspended, the police officer may remove and store the motor vehicle or cause it to be removed and stored and shall notify the person of its location.

Costs of moving and storage

(11) Where a police officer obtains assistance for the removal and storage of a motor vehicle under subsection (10), the costs and charges incurred in moving or storing the vehicle, or both, are a lien on the vehicle that may be enforced under the *Mechanics' Lien Act* by the person who moved or stored the vehicle at the request of the police officer.

R.S.O. 1980, c. 261

SECTION 2. A police officer is given the express authority to require a motorist to stop. The absence of such an express power was commented upon in the case of R. v. Dedman, 32 O.R. (2d), p. 641.

The new provision would also provide for suspension of a licence for three years where the refusal to stop continues in the face of a pursuit.

SECTION 3. Refusal to stop on the direction of a police officer is added to the offences for which a constable may arrest without warrant.

2. The said Act is further amended by adding thereto the following section: s. 189*a*, enacted

189*a*.—(1) A police officer may require the driver of a motor vehicle to stop and the driver of a motor vehicle, when signalled or requested to stop by a police officer who is readily identifiable as such, shall immediately come to a safe stop. Power of police officer to stop vehicle

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $2,000 or to imprisonment for a term of not more than six months, or to both. Offence

(3) Where a person is convicted of an offence under subsection (2) and the court is satisfied on the evidence that the person continued to avoid police while a police officer gave pursuit, the court shall make an order suspending the driver's licence of that person for a period of three years, and the suspension shall be in addition to any other period for which the licence is suspended and consecutively thereto. Escape by flight

(4) In a proceeding for a contravention of subsection (2) and before the court accepts the plea of the defendant, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect: Notice of suspension

> *"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence may be suspended for three years."*

(5) The suspension of a driver's licence under this section shall not be held to be invalid by reason of failure to give the notice provided for in subsection (4). Idem

(6) An appeal may be taken from an order of suspension under subsection (3) or a decision to not make the order in the same manner as from a conviction or an acquittal under subsection (2). Appeal of suspension

(7) Where an appeal is taken from an order for suspension under subsection (6), the court being appealed to may direct that the order being appealed from shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court. Stay of order on appeal

3. Subsection 190 (2) of the said Act is amended by inserting after "174 (1) (*a*)" in the fifth line "or subsection 189*a* (2)". s. 190 (2), amended

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is the *Highway Traffic Amendment Act, 1981*. Short title

An Act to amend the
Highway Traffic Act

1st Reading

November 27th, 1981

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Solicitor General

(*Government Bill*)

BILL 178 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Highway Traffic Act

THE HON. R. MCMURTRY
Solicitor General

(Reprinted as amended by the Administration of Justice Committee)

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. The new provisions provide for an immediate twelve-hour suspension of a driver's licence by a police officer who finds a reading of over 50 milligrams of alcohol per 100 millilitres of blood on a roadside screening device or breathalyzer analysis or who proceeds with a charge of refusing to supply a breath sample.

A police officer is given the express authority to require a motorist to stop for a drinking-driving spot check. The absence of such an express power was commented upon in the case of R v Dedman 32 O.R. (2d), p. 641.

BILL 178 1981

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 30*a*, enacted

30*a*.—(1) A police officer, readily identifiable as such, may require the driver of a motor vehicle to stop for the purpose of determining whether or not there is evidence to justify making a demand under section 234.1 of the *Criminal Code* (Canada). Spot Checks R.S.C. 1970, c. C-34

(2) Where, upon demand of a police officer made under section 234.1 of the *Criminal Code* (Canada), a person provides a sample of his breath which, on analysis by an approved roadside screening device as defined in that section, registers "Warn", the police officer may request the person to surrender his driver's licence. Licence suspension: roadside test R.S.C. 1970, c. C-34

(3) Where, upon demand of a police officer made under subsection 235 (1) of the *Criminal Code* (Canada), a person provides a sample of his breath which, on analysis by an instrument approved as suitable for the purposes of section 237 of the *Criminal Code* (Canada), indicates that the proportion of alcohol in his blood is 50 milligrams or more of alcohol in 100 millilitres of blood, a police officer may request the person to surrender his driver's licence. Idem: breathalyzer test

(4) Where a person is charged with an offence under section 234.1 or 235 of the *Criminal Code* (Canada) or any procedure is taken pending the laying of such charge to assure the person's attendance in court on the charge, a police officer may request the person to surrender his driver's licence. Refusal to supply a breath sample

(5) Upon a request being made under subsection (2), (3) or (4), the person to whom the request is made shall forthwith surrender his driver's licence to the police officer and, whether or not the Surrender of licence and suspension for twelve hours

person is unable or fails to surrender his licence to the police officer, his licence is suspended and invalid for any purpose for a period of twelve hours from the time the request is made.

Other charges

(6) The suspension of a driver's licence under this section is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

Second analysis

(7) Where an analysis of the breath of a person is made under subsection (2) and registers "Warn", the person may require a further analysis to be performed in the manner provided in subsection (3), in which case the result obtained on the second analysis governs and any suspension resulting from an analysis under subsection (2) continues or terminates accordingly.

Calibration of roadside screening device

(8) For the purposes of subsection (2), the roadside screening device shall not be calibrated to register "Warn" when the proportion of alcohol in the blood of the person whose breath is being analyzed is less than 50 milligrams of alcohol in 100 millilitres of blood.

Idem

(9) It shall be presumed, in the absence of proof to the contrary, that any roadside screening device used for the purposes of subsection (2) has been calibrated as required under subsection (8).

Records

(10) Where the licence of a person is suspended under this section, the police officer who requested the surrender of the licence under subsection (2), (3) or (4) shall,

(*a*) keep a written record of the licence suspended with the name and address of the person and the date and time of the suspension; and

(*b*) provide the person with a written statement of the time from which the suspension takes effect, the length of the period during which his licence is suspended, the place where the licence may be recovered upon the termination of the suspension and acknowledging receipt of the licence that is surrendered.

Removal of vehicle

(11) Where the licence of a person is suspended under this section, if the motor vehicle is in a location from which, in the opinion of a police officer, it should be removed, and there is no person with a licence easily available to remove the motor vehicle with the consent of the person whose licence is suspended, the police officer may remove and store the motor vehicle or cause it to be removed and stored and shall notify the person of its location.

Costs of moving and storage

(12) Where a police officer obtains assistance for the removal and storage of a motor vehicle under subsection (11), the costs and charges incurred in moving or storing the vehicle, or both

SECTION 2. The new provision provides for a penalty for refusing a lawful order to stop and for suspension of a licence for three years for wilful refusal to stop while a police officer gives pursuit.

SECTION 3. Refusal to stop on the direction of a police officer is added to the offences for which a constable may arrest without warrant.

are a lien on the vehicle that may be enforced under the *Mechanics' Lien Act* by the person who moved or stored the vehicle at the request of the police officer. R.S.O. 1980, c. 261

2. The said Act is further amended by adding thereto the following section: s. 189*a*, enacted

189*a*.—(1) A police officer, in the lawful execution of his duties and responsibilities, may require the driver of a motor vehicle to stop and the driver of a motor vehicle, when signalled or requested to stop by a police officer who is readily identifiable as such, shall immediately come to a safe stop. Power of police officer to stop vehicle

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $2,000 or to imprisonment for a term of not more than six months, or to both. Offence

(3) Where a person is convicted of an offence under subsection (2) and the court is satisfied on the evidence that the person wilfully continued to avoid police while a police officer gave pursuit, the court shall make an order suspending the driver's licence of that person for a period of three years, and the suspension shall be in addition to any other period for which the licence is suspended and consecutively thereto. Escape by flight

(4) In a proceeding for a contravention of subsection (1) in which the circumstances set out in subsection (3) are alleged and before the court accepts the plea of the defendant, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect: Notice of suspension

> *"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended for three years."*

(5) The suspension of a driver's licence under this section shall not be held to be invalid by reason of failure to give the notice provided for in subsection (4). Idem

(6) An appeal may be taken from an order of suspension under subsection (3) or a decision to not make the order in the same manner as from a conviction or an acquittal under subsection (2). Appeal of suspension

(7) Where an appeal is taken from an order for suspension under subsection (6), the court being appealed to may direct that the order being appealed from shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court. Stay of order on appeal

3. Subsection 190 (2) of the said Act is amended by inserting after "174 (1) (*a*)" in the fifth line "or subsection 189*a* (2)". s. 190 (2), amended

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Highway Traffic Amendment Act 1981*.

An Act to amend the
Highway Traffic Act

1st Reading

November 27th, 1981

2nd Reading

December 10th, 1981

3rd Reading

THE HON. R. MCMURTRY
Solicitor General

(Reprinted as amended by the Administration of Justice Committee)

1981

BILL 178

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Highway Traffic Act

THE HON. R. MCMURTRY
Solicitor General

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 178 1981

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Highway Traffic Act,* being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 30*a*, enacted

30*a*.—(1) A police officer, readily identifiable as such, may require the driver of a motor vehicle to stop for the purpose of determining whether or not there is evidence to justify making a demand under section 234.1 of the *Criminal Code* (Canada). Spot Checks R.S.C. 1970, c. C-34

(2) Where, upon demand of a police officer made under section 234.1 of the *Criminal Code* (Canada), a person provides a sample of his breath which, on analysis by an approved roadside screening device as defined in that section, registers "Warn", the police officer may request the person to surrender his driver's licence. Licence suspension: roadside test R.S.C. 1970, c. C-34

(3) Where, upon demand of a police officer made under subsection 235 (1) of the *Criminal Code* (Canada), a person provides a sample of his breath which, on analysis by an instrument approved as suitable for the purposes of section 237 of the *Criminal Code* (Canada), indicates that the proportion of alcohol in his blood is 50 milligrams or more of alcohol in 100 millilitres of blood, a police officer may request the person to surrender his driver's licence. Idem: breathalyzer test

(4) Where a person is charged with an offence under section 234.1 or 235 of the *Criminal Code* (Canada) or any procedure is taken pending the laying of such charge to assure the person's attendance in court on the charge, a police officer may request the person to surrender his driver's licence. Refusal to supply a breath sample

(5) Upon a request being made under subsection (2), (3) or (4), the person to whom the request is made shall forthwith surrender his driver's licence to the police officer and, whether or not the Surrender of licence and suspension for twelve hours

person is unable or fails to surrender his licence to the police officer, his licence is suspended and invalid for any purpose for a period of twelve hours from the time the request is made.

Other charges

(6) The suspension of a driver's licence under this section is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

Second analysis

(7) Where an analysis of the breath of a person is made under subsection (2) and registers "Warn", the person may require a further analysis to be performed in the manner provided in subsection (3), in which case the result obtained on the second analysis governs and any suspension resulting from an analysis under subsection (2) continues or terminates accordingly.

Calibration of roadside screening device

(8) For the purposes of subsection (2), the roadside screening device shall not be calibrated to register "Warn" when the proportion of alcohol in the blood of the person whose breath is being analyzed is less than 50 milligrams of alcohol in 100 millilitres of blood.

Idem

(9) It shall be presumed, in the absence of proof to the contrary, that any roadside screening device used for the purposes of subsection (2) has been calibrated as required under subsection (8).

Records

(10) Where the licence of a person is suspended under this section, the police officer who requested the surrender of the licence under subsection (2), (3) or (4) shall,

(*a*) keep a written record of the licence suspended with the name and address of the person and the date and time of the suspension; and

(*b*) provide the person with a written statement of the time from which the suspension takes effect, the length of the period during which his licence is suspended, the place where the licence may be recovered upon the termination of the suspension and acknowledging receipt of the licence that is surrendered.

Removal of vehicle

(11) Where the licence of a person is suspended under this section, if the motor vehicle is in a location from which, in the opinion of a police officer, it should be removed, and there is no person with a licence easily available to remove the motor vehicle with the consent of the person whose licence is suspended, the police officer may remove and store the motor vehicle or cause it to be removed and stored and shall notify the person of its location.

Costs of moving and storage

(12) Where a police officer obtains assistance for the removal and storage of a motor vehicle under subsection (11), the costs and charges incurred in moving or storing the vehicle, or both,

are a lien on the vehicle that may be enforced under the *Mechanics' Lien Act* by the person who moved or stored the vehicle at the request of the police officer. R.S.O. 1980, c. 261

2. The said Act is further amended by adding thereto the following section: s. 189*a*, enacted

189*a*.—(1) A police officer, in the lawful execution of his duties and responsibilities, may require the driver of a motor vehicle to stop and the driver of a motor vehicle, when signalled or requested to stop by a police officer who is readily identifiable as such, shall immediately come to a safe stop. Power of police officer to stop vehicle

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $2,000 or to imprisonment for a term of not more than six months, or to both. Offence

(3) Where a person is convicted of an offence under subsection (2) and the court is satisfied on the evidence that the person wilfully continued to avoid police while a police officer gave pursuit, the court shall make an order suspending the driver's licence of that person for a period of three years, and the suspension shall be in addition to any other period for which the licence is suspended and consecutively thereto. Escape by flight

(4) In a proceeding for a contravention of subsection (1) in which the circumstances set out in subsection (3) are alleged and before the court accepts the plea of the defendant, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect: Notice of suspension

> *"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended for three years."*

(5) The suspension of a driver's licence under this section shall not be held to be invalid by reason of failure to give the notice provided for in subsection (4). Idem

(6) An appeal may be taken from an order of suspension under subsection (3) or a decision to not make the order in the same manner as from a conviction or an acquittal under subsection (2). Appeal of suspension

(7) Where an appeal is taken from an order for suspension under subsection (6), the court being appealed to may direct that the order being appealed from shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court. Stay of order on appeal

3. Subsection 190 (2) of the said Act is amended by inserting after "174 (1) (*a*)" in the fifth line "or subsection 189*a* (2)". s. 190 (2), amended

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Highway Traffic Amendment Act, 1981*.

An Act to amend the
Highway Traffic Act

1st Reading

November 27th, 1981

2nd Reading

December 10th, 1981

3rd Reading

December 18th, 1981

THE HON. R. MCMURTRY
Solicitor General

1981

BILL 179 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Municipal Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

EXPLANATORY NOTES

SECTION 1. The proposed re-enactment of subsection 10 (2) of the Act provides that improvement districts may only be incorporated in territories without municipal organization.

SECTION 2. The proposed section 39*a* provides that if the seat of the reeve or deputy reeve of a local municipality on a county council is declared vacant, then his or her seat on the council of the local municipality also becomes vacant.

SECTION 3. Subsection 62 (1) now reads as follows:

(1) Except where he is disqualified to vote by reason of interest or otherwise, where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

The proposed re-enactment of subsection 62 (1) provides that a failure to vote when a vote is being recorded shall be deemed to be a negative vote.

BILL 179 1981

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 10 (2) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 10 (2), re-enacted

(2) The Municipal Board, upon the application of the Ministry or of not less than thirty inhabitants of a locality situated in territory without municipal organization and having a population of not less than fifty, may incorporate the inhabitants of the locality or a larger or smaller locality as an improvement district. Improvement districts

2. The said Act is amended by adding thereto the following section: s. 39*a*, enacted

39*a*.—(1) If not already vacant by virtue of any Act, the seat of a reeve or deputy reeve on the council of a local municipality becomes vacant if his seat on the county council is declared vacant by the county council. County council vacancies

(2) Where a county council declares the seat of one of its members to be vacant and, as a result of the declaration, the seat of that member on the council of a local municipality becomes vacant under subsection (1), the county council shall forthwith cause a copy of its declaration to be forwarded to the council of the local municipality and that council shall forthwith declare the seat of the member on that council to be vacant. Idem

3. Subsection 62 (1) of the said Act is repealed and the following substituted therefor: s. 62 (1), re-enacted

(1) Where a vote is taken for any purpose and a member requests immediately prior or immediately subsequent to the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his vote openly, and any failure to vote by a Recorded votes

member who is not disqualified shall be deemed to be a negativ vote and the clerk shall record each vote.

s. 82 (*a*), re-enacted

4. Clause 82 (*a*) of the said Act is repealed and the following substi tuted therefor:

(*a*) open an account or accounts in the name of the munici pality at such place of deposit as may be approved b the council.

s. 143 (4) (*a*), amended

5. Clause 143 (4) (*a*) of the said Act is amended by striking out "ten in the third line and inserting in lieu thereof "five".

s. 143*a*, enacted

6. The said Act is further amended by adding thereto the followin section:

Extendible debentures R.S.O. 1980, c. 359

143*a*.—(1) Notwithstanding any other provision of this Ac the council of a local municipality having a population of not le than 20,000, as determined under the *Ontario Unconditiona Grants Act* may, by by-law, without the assent of the elector authorize the borrowing of money by the issue of debentures th last instalment of which shall mature not earlier than five yea after the date upon which they are issued, and the by-law ma either,

(*a*) provide that each debenture issued under the by-la shall, unless the holder of the debenture gives the noti referred to in subsection (2), be extended for such add tional term or terms of such number of years each as specified in the by-law, on such terms as to payment interest and repayment of principal as is specified in th by-law in respect of each such additional term, but ea additional term so provided for shall be not less th five years and the additional term or terms provided f together with the original term of the debenture sh not exceed the maximum period of years approved the Municipal Board for repayment of the debt respect of which the debenture is being issued; or

(*b*) provide that each debenture issued under the by-la shall, unless the holder thereof gives the notice referr to in subsection (6), be extended in accordance with t terms provided for in a declaration made under subs tion (3) and that each such debenture shall be fu registered in accordance with section 183.

Repayment at request of debenture holder

(2) A by-law containing a provision authorized by clause (*a*) shall provide that the holder of a debenture issued under t by-law may, within the six-month period next preceding t expiry date of the original term or of any additional term of t

SECTION 4. Clause 82 (*a*) now provides that the treasurer of a municipality shall,

> (*a*) *open an account or accounts in the name of the municipality in such of the chartered banks of Canada or at such other place of deposit as may be approved by the council.*

The underlined words are deleted by the proposed re-enactment of clause 82 (*a*). The deleted words are redundant.

SECTION 5. The proposed amendment to clause 143 (4) (*a*) will enable municipalities having a population of more than 20,000 to issue instalment debentures that mature in five years. At present, the term of such debentures is a minimum of ten years.

SECTION 6. The proposed section 143*a* will authorize municipalities having a population of not less than 20,000 to issue extendible debentures.

debenture, except the final additional term, notify the treasurer of the municipality in writing that he does not wish the current term of the debenture to be extended and, where such notice has been given, the provisions respecting the extension of the debenture for an additional term or a further additional term, as the case may be, cease to apply to it and the total amount owing in respect of outstanding principal on the debenture at the expiry date of the current term of the debenture shall become payable on that date.

Extension of term

(3) The treasurer of a municipality that has issued debentures under a by-law containing a provision authorized by clause (1) (*b*),

(*a*) shall, within the final six months of the original term of such debentures but not later than thirty days prior to the expiry of such term; and

(*b*) may, within the final six months of any additional term but not later than thirty days prior to the expiry of the additional term,

declare in writing that the current term of the debenture will be extended for an additional term of such number of years and on such terms as to the payment of interest and repayment of principal as is specified in the declaration, and that the amount in respect of principal otherwise payable at the expiry of the current term will be reduced accordingly to the amount specified in the declaration, but each additional term so provided for shall not be less than five years and the additional term together with the original term and any previous additional terms that have been provided for shall not exceed the maximum period of years aproved by the Municipal Board for repayment of the debt in respect of which the debenture is being issued.

Approval of declaration

(4) A declaration of a treasurer of a municipality under subsection (3) is subject to the prior approval of the council of the municiality and notice of the declaration shall be given,

(*a*) by sending it within five days of its making by prepaid mail to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book; and

(*b*) by publishing a notice of the declaration in *The Ontario Gazette* within twenty-five days of the making of the declaration.

Proviso

(5) Where a declaration has not been made under clause (3) (*a*) within the prescribed time limit, a declaration shall be deemed to

have been made under that clause on the thirty-first day prior to the expiry of the original term of the debentures,

(*a*) extending the original term of the debentures for an additional term that is equal in length to the original term or equal in length to the maximum additional term that could have been specified in a declaration under clause (3) (*a*), whichever is less;

(*b*) specifying the rate of interest payable on the debentures for the additional term, which rate shall be equal to the rate of interest payable on the debentures in respect of the original term;

(*c*) specifying the amount of principal payable upon the expiry of the original term of the debentures, which amount shall be equal to the amount of principal that was paid in respect of the debentures in the next preceding year; and

(*d*) specifying the amounts payable in each year of the additional term of the debentures in respect of principal and interest, such amounts to be equal annual amounts based on a repayment schedule of such number of years as is contained in the additional term.

Repayment at request of debenture holder

(6) A by-law containing a provision authorized by clause (1) (*b*) shall provide that the holder of a debenture issued thereunder may, within such number of days, being not less than thirty days, as is specified in the by-law, from the date of giving notice of a declaration under subsection (4), notify the treasurer of the municipality in writing that he does not wish the current term of the debenture to be extended and, where such notice has been given, the provision of the by-law respecting the extension of the debenture and the declaration of the treasurer cease to apply to the debenture and the total amount owing in respect of outstanding principal on the expiry date of the current term of the debenture shall become due and payable on that date.

Mandatory provisions in by-law

(7) A by-law passed under subsection (1) shall provide that,

(*a*) the aggregate amounts of principal and interest payable in each year, except the final year, of the original term of the debentures shall be equal to or greater than an amount calculated in accordance with a repayment schedule based on the maximum period of years approved by the Municipal Board for repayment of the debt in respect of which the debentures are being issued or in accordance with a repayment schedule based on such lesser number of years as may be specified in the by-law; and

(*b*) the aggregate amounts of principal and interest payable in each year, except the final year, of any additional term for which any of the debentures are extended shall be equal to or greater than an amount calculated in accordance with a repayment schedule based on the maximum number of years for which such additional term could run in accordance with subsection (1) or (3), or such lesser number of years as is specified in the by-law.

Interpretation

(8) In subsection (7), "amount calculated in accordance with a repayment schedule based on the maximum period of years approved by the Municipal Board", when used in respect of the annual aggregate amounts of principal and interest payable on a debenture, means the amount that would be payable in each year in respect of the principal and interest owing on the debenture if the term of the debenture were equal in length to the maximum period of years approved by the Municipal Board for repayment of the debt in respect of which the debenture was issued and if the interest and principal were payable as blended payments of interest and principal in equal annual instalments.

Additional mandatory provisions in by-law

(9) A by-law passed under subsection (1) shall provide that, in the final year of a term beyond which a debenture will not be extended, the total amount of interest and outstanding principal owing on the debenture at the expiry date of the current term of the debenture shall be raised by one or more of the following methods:

1. By levying a special rate on all the rateable property in the municipality to the extent that such amount has not been provided for by a special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any by-law or by-laws passed by the council or the council of any other municipality in accordance with any general or special Act or in accordance with subsection 143 (14).

2. By the issue of debentures.

3. By borrowing by way of a promissory note, but an amount borrowed under this paragraph and amounts payable as interest thereon shall be included in the estimates that are adopted by the council under section 164 next following the borrowing of such amount and all amounts outstanding in respect of principal and interest on the promissory note shall be paid in the year for which such estimates are adopted.

Proviso

(10) Any amounts borrowed by a council under paragraph 3 of subsection (9),

(*a*) in any year prior to the passing of the by-law for adopting the estimates for that year shall be included when calculating the amount borrowed in that year for purposes mentioned in subsection 189 (1);

(*b*) in any year subsequent to the passing of the by-law for adopting the estimates for that year shall be included when calculating the amount borrowed in the next following year for purposes mentioned in subsection 189 (1).

Mandatory provision in debentures

(11) A debenture issued under a by-law passed under subsection (1) shall contain the following provision:

Where any person applies to the treasurer of The Corporation of the *(name of municipality)* to ascertain the status of this debenture, the treasurer shall issue a statement certifying whether or not a notice has been duly given requiring that the current term or any prior term of the debenture not be extended, and if such a notice has been given, the date of such notice.

Additional mandatory provisions in debentures

(12) A debenture issued under a by-law containing a provision authorized by clause (1) (*a*) shall contain a provision specifying that it will be extended for an additional term or terms, as the case may be, and specifying the number of such additional terms, the number of years in each such additional term, and the conditions as to payment of interest and repayment of principal applicable to each such additional term and the provision shall state that the holder of the debenture may, in the six-month period immediately preceding the expiry date of the original term of the debenture or of an additional term of the debenture, notify the treasurer of the municipality in writing that he requires that the current term of the debenture not be extended and that upon such notification the provisions as to the extension of the debenture for an additional term or a further additional term, as the case may be, cease to apply, and the total amount of principal outstanding on the debenture will become due and payable on the expiry date of the current term of the debenture.

Idem

(13) A debenture issued under a by-law containing a provision authorized by clause (1) (*b*) shall contain the following provisions:

1. This debenture shall be extended for one additional term and may be extended for one or more further additional terms in accordance with a declaration mad

by the treasurer of The Corporation of the (*name of municipality*) within the final six months of the original term and, if applicable, within the final six months of any additional term, upon such terms as to payment of interest and repayment of principal as are specified in the declaration. The holder of this debenture may, by notice in writing to the treasurer of the Corporation within the time limits specified in the by-law under which the debenture was issued, require that the debenture not be extended.

2. Where any person applies to the treasurer of The Corporation of the (*name of municipality*) to ascertain the status of this debenture, the treasurer shall issue to such person a statement certifying whether or not a notice has been duly given requiring that the current term or any prior term of this debenture not be extended and, if such notice has been given, the date of the notice. If no such notice has been given and a declaration has been made to extend the current term of the debenture, the treasurer shall issue to such person a certified copy of the declaration.

Statement of treasurer

(14) The treasurer of a municipality that has issued debentures under a by-law containing a provision authorized by subsection (1) shall, upon receiving an application from any person to ascertain the status of such a debenture, issue a statement to that person certifying whether or not a notice has been duly given requiring that the current term or any prior term of the debenture not be extended, and, if such a notice has been so given, specifying the date of the notice, and in the case of a debenture issued under a by-law containing a provision authorized by clause (1) (*b*), the treasurer shall issue to such person a certified copy of the declaration extending the current term of the debenture if such a declaration has been made.

Method of expressing interest rate

(15) A provision in a by-law passed under this section or in a declaration of a treasurer made under a by-law passed under this section specifying the interest payable on a debenture, whether for the original term of the debenture or for any additional term, shall express the interest payable in terms of a specific percentage rate and not in terms of a percentage rate based on another rate or amount to be ascertained in the future.

Assent of electors, O.M.B. approval not required

(16) Notwithstanding any other provision of this Act or any other Act, where a by-law is passed under a provision in a by-law passed under paragraph 2 of subsection (9) for authorizing the issue of debentures to finance the payment of debentures that are expiring, and where the term, together with the additional terms,

if any, of the debentures so issued under that by-law will not extend past the last date on which the debentures that are expiring could have expired in accordance with subsection (1) or (3), the by-law authorizing the issue of the debenture does not require the assent of the electors or the approval of the Municipal Board.

s. 146 (3) (*a*), re-enacted

7. Clause 146 (3) (*a*) of the said Act is repealed and the following substituted therefor:

1980-81, c. 40 (Can.) R.S.O. 1980, c. 249

(*a*) with a bank named in Schedule A or B to the *Bank Act* (Canada) or a trust company that is registered under the *Loan and Trust Corporations Act*; or

. . . . .

s. 169 (2) (*a*) (iii), amended

8. Subclause 169 (2) (*a*) (iii) of the said Act is amended by striking out "chartered bank to which the *Bank Act* (Canada) applies" in the fourth and fifth lines and inserting in lieu thereof "bank named in Schedule A or B to the *Bank Act* (Canada)".

s. 208, par. 23, re-enacted

9.—(1) Paragraph 23 of section 208 of the said Act is repealed and the following substituted therefor:

Agreements respecting use of employees and equipment

23. For providing for the use by any person of any of the employees or mechanical equipment of the municipality and for fixing the terms, conditions and charges therefor.

s. 208, par. 42 (*a*, *b*), repealed

(2) Clauses (*a*) and (*b*) of paragraph 42 of the said section 208 are repealed.

s. 208, par. 55 (*d*), repealed

(3) Clause (*d*) of paragraph 55 of the said section 208 is repealed.

s. 210, par. 45 (*b*, *d*), repealed

10.—(1) Clauses (*b*) and (*d*) of paragraph 45 of section 210 of the said Act are repealed.

s. 210, par. 117 (*a*), repealed

(2) Clause (*a*) of paragraph 117 of the said section 210 repealed.

s. 210, par. 118(*b*), repealed

(3) Clause (*b*) of paragraph 118 of the said section 210 repealed.

s. 210, par. 125 (*b*), re-enacted

(4) Clause (*b*) of paragraph 125 of the said section 210 is repeal and the following substituted therefor:

R.S.O. 1980, c. 198

(*b*) Subsection 147 (13) of the *Highway Traffic Act* appli with necessary modifications to a by-law passed unc this paragraph.

SECTIONS 7 AND 8. Recent amendments to the *Bank Act* (Canada) permit non-Canadian owned banks to provide banking services in Canada. The proposed amendments reflect the change in federal law.

SECTION 9. Under the proposed re-enactment of paragraph 23 of section 208, a municipality would be able to contract for the use by any person of the employees and mechanical equipment of the municipality. At present, the municipality may only enter into such contracts with respect to its mechanical equipment.

The repeals set out in subsections 9 (2) and (3) of the Bill are complementary to the enactment of section 321*a* of the Act as set out in section 13 of the Bill.

SECTION 10. The amendments to section 210 are complementary to the enactment of section 321*a* of the Act as set out in section 13 of the Bill.

SECTION 11. The proposed re-enactment of subsection 243 (2) clarifies that statements prepared for the purposes of subsection 243 (1) shall indicate the by-laws or resolution under which remuneration or expenses were paid to members of the council in respect of their services on local boards and other bodies.

The proposed subsection 243 (2) requires local boards and other bodies to provide statements to the treasurers of municipalities with respect to remuneration and expenses paid to members of the local board or body who represent the municipalities.

SECTION 12. The repeal of clause (*b*) of paragraph 8 of section 315 is complementary to the enactment of section 321*a* as set out in section 13 of the Bill. At present, municipalities may pass by-laws designating lanes on roads as lanes solely for the use of public transit vehicles. The proposed paragraph 9 extends this power to include private passenger motor vehicles carrying such number of persons as may be set out in the by-law and taxicabs.

The amendment to paragraph 10 is complementary to the re-enactment of paragraph 9.

(5) Clause (*d*) of paragraph 125 of the said section 210 is amended by inserting at the commencement thereof "Notwithstanding subsection 321*a* (2) and". s. 210, par. 125 (*d*), amended

1. Subsection 243 (2) of the said Act is repealed and the following substituted therefor: s. 243 (2), re-enacted

(2) A statement submitted under subsection (1) shall also indicate the by-law or resolution and the statutory provision under the authority of which the remuneration or expenses were paid. Idem

(3) Where in any year a local board or other body pays remuneration or expenses to a member of the local board or body who was appointed by a municipality or who is a member by virtue of his membership on a municipal council, the local board or body shall, on or before the 31st day of January in the next following year, submit to the treasurer of the municipality that the member represents a statement of the remuneration and expenses so paid and the statement shall be itemized to the extent required by the treasurer of the municipality. Statements by local boards

2.—(1) Clause (*b*) of paragraph 8 of section 315 of the said Act is repealed. s. 315, par. 8 (*b*), repealed

(2) Paragraph 9 of the said section 315 is repealed and the following substituted therefor: s. 315, par. 9, re-enacted

9. For designating any lane on any road over which the municipality has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law, and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law and for prohibiting and regulating the use thereof by all other vehicles to such extent and for such period or periods as may be specified. Establishment of bus lanes

(*a*) For the purposes of this paragraph,

(i) "any other municipality" includes a metropolitan, regional and district municipality and the County of Oxford,

(ii) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the municipality, or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 315, par. 11, amended

(3) Paragraph 11 of the said section 315 is amended by striking out "as a lane solely or principally for the use of public transit motor vehicles or bicycles" in the second and third lines and inserting in lieu thereof "for the uses referred to in the said paragraphs".

Transition
R.S.O. 1980, cc. 302, 314, 365

(4) Where a by-law has been passed by a local municipality for a purpose referred to in paragraph 9 of section 315 of the *Municipal Act,* as re-enacted by subsection (2) of this section, under a provision of the *Municipality of Metropolitan Toronto Act,* the *County of Oxford Act* or an Act establishing a regional municipality and the provision of the Act, under which the by-law was passed, is repealed, the by-law shall continue in full force and effect until amended or repealed, as if the provision of the Act under which the by-law was passed had not been repealed.

s. 321, re-enacted

13. Section 321 of the said Act is repealed and the following substituted therefor:

Power to impose fines

321. By-laws may be passed by the councils of all municipalities and by the boards of commissioners of police for providing that any person who contravenes any by-law of the council or of the board, as the case may be, passed under the authority of this Act, is guilty of an offence and for providing for the imposition of fines of not more than $2,000 on every person who is convicted of an offence under any such by-law.

Illegally parked vehicles, owner's liability

321*a*.—(1) A by-law passed for the purposes of section 321 may provide that, where a vehicle has been left parked, stopped or left standing in contravention of a by-law passed under this Act, the owner of the vehicle, notwithstanding that he was not the driver of the vehicle at the time of the contravention of the by-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent.

Payment out of court

(2) A by-law passed for the purposes of section 321 may provide a procedure for the voluntary payment of penalties out of court in cases where it is alleged that a by-law related to the parking, standing or stopping of vehicles has been contravened.

s. 386 (8), amended

14. Subsection 386 (8) of the said Act is amended by striking out "chartered bank of Canada" in the fifth line and inserting in lieu thereof "bank named in Schedule A or B to the *Bank Act* (Canada)".

Subsection 12 (4) of the Bill is complementary to the re-enactment of certain provisions of the Acts referred to therein.

SECTION 13. The re-enacted section 321 clarifies that a by-law passed under this section may provide that a person who contravenes a municipal by-law is guilty of an offence.

The proposed subsection 321*a* (1) replaces several provisions in the Act which provide for the imposition of fines on owners of motor vehicles that have been illegally parked. The section clarifies that a by-law may provide that the owner of a vehicle that has been left parked, stopped or left standing in contravention of a by-law is guilty of an offence and is liable to a fine.

The proposed subsection 321*a* (2) provides for the payment out of court of fines related to parking offences.

SECTION 14. The proposed amendment has the same effect as the amendments set out in sections 7 and 8 of the Bill.

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. The short title of this Act is the *Municipal Amendment Act, 1981*. Short title

An Act to amend the
Municipal Act

1st Reading

November 30th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

1981

BILL 180 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend certain Acts respecting Regional Municipalities

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

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Explanatory Notes

The Bill amends the ten Acts that govern the various regional municipalities and is divided into the following Parts:

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IV—Waterloo	10
V—Sudbury	13
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VII—Halton	20
VIII—Hamilton-Wentworth	23
IX—Durham	26
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The following nine numbered paragraphs describe amendments that are common to all ten of the regional municipalities:

1. *Sections 1, 15, 26, 36, 45, 54, 63, 72, 81, 91.* The section proposed to be added empowers the Lieutenant Governor in Council, on the recommendation of the Minister pursuant to an application by an area municipality, to alter the status of the municipality to that of a township, village, town or city municipality and to provide for other matters consequent on the alteration in status.

2. *Sections 6, 17, 27, 37, 46, 55, 64, 73, 82, 92.* The proposed subsection (*3a*) makes certain provisions of the *Municipal Act* applicable to the Regional Council. These provisions set out the grounds for disqualification of members of council, the situations giving rise to a vacancy in the office of a member of council, the requirement that a council declare a seat vacant when a vacancy occurs, the procedure for bringing a court action to have a seat declared vacant, and the requirement that a member take his declaration of office within a prescribed time period.

The proposed subsection (*3b*) sets out the procedure to be followed by a member wishing to resign.

The proposed subsection (*3c*) provides that where the seat of a member on the Regional Council becomes vacant, his seat on the council of the area municipality that he represents automatically becomes vacant, and vice versa. This proposed subsection would apply, for example, where a member missed meetings of the Regional Council for three successive months but was regularly attending meetings of the local council. Without this proposed subsection, the seat of the member of the Regional Council would become vacant but his seat on the council of the area municipality would not.

The proposed subsection (*3d*) provides that when the seat of a member is declared vacant by the Regional Council or by the council of the area municipal-

ity that he represents, the council declaring the vacancy shall immediately inform the other council of its declaration.

The proposed subsection (3*e*) provides that the seat of a member on the Regional Council or on the council of an area municipality shall be declared vacant if that council is informed that the other council has declared his seat on such other council to be vacant. (Note that subsections (3*c*), (3*d*) and (3*e*) are not enacted in the *Regional Municipality of Niagara Act* where direct election to the Regional Council takes place.)

3. *Sections 7, 18, 28, 38, 47, 56, 65, 74, 83, 93.* The clause proposed to be re-enacted sets out one of the duties of the treasurer (or chief financial officer) of the Regional Corporation and set out below is an example of the clause as it now reads, showing underlined the words proposed to be deleted by the re-enactment:

> (*a*) *open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council.*

4. *Sections 8, 19, 29, 39, 49, 57, 66, 75, 84, 94.* The amendments proposed by these sections of the Bill enlarge, or, in the case of the regional municipalities of York, Waterloo and Sudbury, confer for the first time, the authority of the Regional Council to designate lanes on regional roads for the exclusive use of public transit motor vehicles and other classes of motor vehicles as defined in the by-law designating the reserved lanes. Area municipalities will be empowered under a proposed amendment to the *Municipal Act* to exercise substantially similar authority in respect of roads under their jurisdiction.

5. *Sections 9, 21, 30, 40, 48, 58, 67, 76, 85, 95.* The provisions proposed to be repealed confer authority on the Regional Council to grant aid to public hospitals. Both the Regional Council and area municipality councils may grant aid to hospitals under section 113 of the *Municipal Act* and accordingly the specific authority to do so is not required in the regional Acts. In the case of the regional municipalities of Waterloo, Sudbury, Peel, Halton, Hamilton-Wentworth, Durham and Haldimand-Norfolk, the area municipalities are now specifically prohibited from granting such aid and that prohibition will accordingly be removed. The responsibility of the Regional Corporation to assume existing debenture liability in respect of previously granted aid by an area municipality is retained.

6. *Sections 10, 22, 31, 41, 50, 59, 68, 77, 86, 96.* The effect of the proposed re-enactment is to delete from the end of the subsection as it now reads the words "and for such reserves within such limits as to type and amount as the Ministry may approve". Specific authority is found elsewhere in the regional Acts for the provision in the estimates for reserves and the words to be deleted are accordingly not required.

7. *Section 11, subsections 23 (1), 32 (1), 42 (1), 51 (1), 60 (1), 69 (1), 78 (1), 87 (1), 97 (1).* The amendments proposed by these provisions of the Bill will decrease from ten years to five years the minimum period within which instalment debentures issued by the Regional Corporation may mature.

8. *Sections 12, 24, 33, 43, 52, 61, 70, 79, 88, 98.* The section of the *Municipal Act* made applicable to the Regional Corporation authorizes the issue of extendible debentures.

9. *Sections 13, 25, 34, 44, 53, 62, 71, 80, 89, 99.* Sections 114, 115 and 122 are added as sections of the *Municipal Act* that apply to the Regional Corporation. Section 114 provides for offering awards and establishing competitions for awards; section 115 authorizes the provision of fellowships and scholarships, while section 122 authorizes agreements with the Crown respecting the use of the

property or of the servants or officers of a municipality or the Crown (in right of Ontario) or the joint acquisition of property by the municipality and the Crown.

The following amendments relate to all the regional municipalities except Ottawa-Carleton:

Subsections 23 (2), 32 (2), 42 (2), 51 (2), 60 (2), 69 (2), 78 (2), 87 (2), 97 (2). The subsection proposed to be added permits a portion of any premium received on debentures issued by the Regional Corporation payable in a foreign currency to be set aside in a reserve fund to pay any premium on annual payments of principal and interest on the debentures.

A similar amendment was made to the *Regional Municipality of Ottawa-Carleton Act* at the last session of the Legislature.

The following amendments relate to The Regional Municipality of Ottawa-Carleton:

SECTION 2. The subsection proposed to be repealed now reads as follows:

> *(6) The members of the Regional Council, other than the chairman, hold office only while they hold the offices that entitled them to such membership and until their successors take office.*

The repeal is complementary to section 6 of the Bill enacting subsection 14 (3*c*) of the Act.

SECTIONS 3 AND 4. The head of the council of each area municipality shall be a mayor elected by general vote; those heads of council who hold the office of reeve on the coming into force of the above continue to be the head of council and are deemed to have been elected as mayor.

SECTION 5. The quorum of the Regional Council is increased from sixteen members to seventeen members to reflect the enlargement of the council to thirty-three members by an amendment made to the Act at the last session of the Legislature.

SECTION 14. Tax exemption is given to the lands and buildings within a designated regional convention centre while occupied for the purposes of a regional convention centre by the Regional Corporation, a board of management or an area municipality.

The following amendments relate to The Regional Municipality of Niagara:

SECTION 16. The subsection proposed to be repealed makes applicable to the Regional Council section 38 of the *Municipal Act*; that provision is now found in subsection 11 (3*a*) of the regional Act as enacted by section 17 of the Bill.

SECTION 20. The re-enactment of subsection 86 (1) of the Act removes the requirement of Municipal Board approval to the designation of a controlled-access road. The re-enactment of subsections 86 (6) and (7) makes uniform with other regional Acts the provisions respecting an appeal from an order of the Municipal Board approving or refusing to approve the closing of a road that runs into or intersects a controlled-access road.

The following sections of the Bill relate only to the regional municipality mentioned:

SECTION 35. Certain lands in Kitchener are annexed to Waterloo and certain lands in Waterloo are annexed to Kitchener in The Regional Municipality of Waterloo.

SECTION 90. The re-enacted section 144 confers on The Regional Municipality of Durham responsibility for providing facilities for the disposal of waste within the Regional Area and prohibits any municipality or local board thereof or any person from providing such facilities within the Regional Area without the consent of the Regional Council. Other provisions govern the acquisition by the Regional Corporation of existing area municipality waste disposal facilities and other matters relating to the assumption of this responsibility by the Regional Corporation.

BILL 180 1981

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. The *Regional Municipality of Ottawa-Carleton Act,* being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 2*a*, enacted

2*a*.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council. Alteration of status of area municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

2. Subsection 4 (6) of the said Act is repealed. s. 4 (6), repealed

3. The said Act is further amended by adding thereto the following section: s. 6*a*, enacted

6*a*. Notwithstanding the provisions of any general or special Act or of any order of the Municipal Board, the council of every Head of area municipality councils

area municipality shall include a mayor who shall be elected by a general vote of the electors of the area municipality and who shall be the head of council and no council of an area municipality shall include a reeve.

Reeve to become mayor R.S.O. 1980, c. 439

4. Upon the coming into force of section 3 of this Act a reeve of an area municipality as defined in the *Regional Municipality of Ottawa-Carleton Act* shall become the mayor of that area municipality and shall continue to be the head of its council and shall be deemed to have been elected mayor of that area municipality by a general vote of its electors.

s. 13 (1), amended

5. Subsection 13 (1) of the said Act is amended by striking out "Sixteen" in the first line and inserting in lieu thereof "Seventeen".

s. 14, amended

6.—(1) Section 14 of the said Act is amended by adding thereto the following subsections:

Application of R.S.O. 1980, c. 302

(3*a*) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Resignation from Regional Council

(3*b*) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and the Council may refuse to accept his resignation in which case it is of no effect.

Where vacancy in Regional Council or area municipality council

(3*c*) If not already vacant by virtue of any general or special Act,

(*a*) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(*b*) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration of vacancy

(3*d*) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*), and subsection (3*c*) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*), the Regional Council

or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

(2) Subsection 14 (5) of the said Act is repealed. s. 14 (5), repealed

7. Clause 25 (*a*) of the said Act is repealed and the following substituted therefor: s. 25 (*a*), re-enacted

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

8. Section 63 of the said Act is repealed and the following substituted therefor: s. 63, re-enacted

63.—(1) The Regional Council may by by-law designate any lane on any road over which the council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified. Establishment of bus lanes, etc.

(2) For the purposes of subsection (1), Interpretation

(*a*) "any other municipality" includes a metropolitan and regional municipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

9. Section 105 of the said Act is repealed. s. 105, repealed

10. Subsection 120 (2) of the said Act is repealed and the following substituted therefor: s. 120 (2), re-enacted

(2) In preparing the estimates the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to be made in estimates

11. Clause 133 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five". s. 133 (7) (*a*), amended

s. 134*a*, enacted

12. The said Act is further amended by adding thereto the following section:

Application of R.S.O. 1980, c. 302, s. 143*a*

134*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

s. 163 (1), re-enacted

13. Subsection 163 (1) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 105, 106, 113, 114, 115, 116, 121 and 122 subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30 50 and 54 of section 208, subparagraph ii of paragraph 125 o section 210, sections 250 and 253, paragraph 10 of section 31 and Parts XIII, XIV, XV and XIX of the *Municipal Act* appl with necessary modifications to the Regional Corporation.

s. 182, amended

14. Section 182 of the said Act is amended by adding thereto th following subsection:

Exemption from taxation

(13) The lands, buildings and structures included within a regional convention centre designated under subsection (2) including the auditoriums, eating establishments and parkin garages on such lands, shall be exempt from taxation for munici pal and school purposes and from charges for local improve ments to the extent that they are occupied for the purposes of a regional convention centre by the Regional Corporation or a board of management established under subsection (3) or by a area municipality pursuant to an agreement under subsectio (12).

PART II

REGIONAL MUNICIPALITY OF NIAGARA

s. 2*a*, enacted

15. The *Regional Municipality of Niagara Act*, being chapter 438 o the Revised Statutes of Ontario, 1980, is amended by addin thereto the following section:

Alteration of status of area municipality

2*a*.—(1) Notwithstanding any Act, upon the recommendatio of the Minister pursuant to an application by the council of a area municipality, the Lieutenant Governor in Council may, b order, alter the status of the area municipality to that of township, village, town or city municipality, and may direct th new name that the area municipality will bear when its status altered and the date when the alteration of status will take effe and may provide for any matters that are considered necessary desirable for implementing the alteration of status or for carryin on the area municipality subsequent thereto, including the co position of its council.

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

16. Subsection 7 (3) of the said Act is repealed. s. 7 (3), repealed

17.—(1) Section 11 of the said Act is amended by adding thereto the following subsections: s. 11, amended

(3*a*) Sections 38, 39, 40, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council. Application of R.S.O. 1980, c. 302

(3*b*) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council which shall then be vacant, but he shall not vote on a motion as to his own resignation and the council may refuse to accept his resignation in which case it is of no effect. Resignation from Regional Council

(2) Subsection 11 (5) of the said Act is repealed. s. 11 (5), repealed

18. Clause 21 (*a*) of the said Act is repealed and the following substituted therefor: s. 21 (*a*), re-enacted

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

19. Section 76 of the said Act is repealed and the following substituted therefor: s. 76, re-enacted

76.—(1) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified. Establishment of bus lanes, etc.

(2) For the purposes of subsection (1), Interpretation

(*a*) "any other municipality" includes a metropolitan and regional municipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commis-

sion, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 86 (1), re-enacted

20.—(1) Subsection 86 (1) of the said Act is repealed and the following substituted therefor:

Controlled-access roads

(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

s. 86 (6, 7), re-enacted

(2) Subsections 86 (6) and (7) of the said Act are repealed and the following substituted therefor:

Appeal to Divisional Court

(6) Any person, including an area municipality, that has filed particulars of an objection or the Regional Corporation may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (4).

Time for application

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

s. 105, repealed

21. Section 105 of the said Act is repealed.

s. 127 (2), re-enacted

22. Subsection 127 (2) of the said Act is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

s. 142 (7) (*a*), amended

23.—(1) Clause 142 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five".

s. 142, amended

(2) Section 142 of the said Act is amended by adding thereto the following subsection:

Premiums on foreign currency

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

24. The said Act is further amended by adding thereto the following section: s. 143*a*, enacted

143*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302, s. 143*a*

25. Subsection 161 (1) of the said Act is repealed and the following substituted therefor: s. 161 (1), re-enacted

(1) Sections 5, 105, 106, 113, 114, 115, 116, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, paragraph 60 and subparagraph ii of paragraph 125 of section 210, section 253 and paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

PART III

REGIONAL MUNICIPALITY OF YORK

26. The *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 2*a*, enacted

2*a*.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council. Alteration of status of area municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

27.—(1) Section 11 of the said Act is amended by adding thereto the following subsections: s. 11, amended

(3*a*) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council. Application of R.S.O. 1980, c. 302

Resignation from Regional Council

(3*b*) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the council does not accept his resignation it is of no effect.

Where vacancy in Regional Council or area municipality council

(3*c*) If not already vacant by virtue of any general or special Act,

(*a*) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(*b*) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration of vacancy

(3*d*) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*), and subsection (3*c*) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

s. 11 (5, 6), repealed

(2) Subsections 11 (5) and (6) of the said Act are repealed.

s. 21 (*a*), re-enacted

28. Clause 21 (*a*) of the said Act is repealed and the following substituted therefor:

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

s. 74*a*, enacted

29. The said Act is further amended by adding thereto the following section:

Establishment of bus lanes, etc.

74*a*.—(1) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such

number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

(2) For the purposes of subsection (1), Interpretation

(*a*) "any other municipality" includes a metropolitan and regional municipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

30. Section 101 of the said Act is repealed. s. 101, repealed

31. Subsection 120 (2) of the said Act is repealed and the following substituted therefor: s. 120 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to be made in estimates

32.—(1) Clause 134 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five". s. 134 (7) (*a*), amended

(2) Section 134 of the said Act is amended by adding thereto the following subsection: s. 134, amended

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premiums on foreign currency

33. The said Act is further amended by adding thereto the following section: s. 135*a*, enacted

135*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302, s. 143*a*

34. Subsection 153 (1) of the said Act is repealed and the following substituted therefor: s. 153 (1), re-enacted

Application of R.S.O. 1980, c. 302

(1) Sections 5, 105, 106, 110, 113, 114, 115, 116, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV AND XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

PART IV

REGIONAL MUNICIPALITY OF WATERLOO

s. 2, amended

35.—(1) Section 2 of the *Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

Portion of Kitchener annexed to Waterloo

(4*a*) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

Parts 1, 7, 8 and 10 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58 R-3020.

Portion of Waterloo annexed to Kitchener

(4*b*) That portion of the City of Waterloo described as follows is annexed to the City of Kitchener:

Part 5 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58 R-3020 and Part 1 on a Reference Plan deposited in the said Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58 R-3329.

s. 2 (5), re-enacted

(2) Subsection 2 (5) of the said Act is repealed and the following substituted therefor:

Annexations deemed by Municipal Board orders

(5) Subsection (8) applies with necessary modifications to the annexations provided for in subsections (2), (3), (4), (4*a*) and (4*b*).

s. 2*a*, enacted

36. The said Act is amended by adding thereto the following section:

Alteration of status of area municipality

2*a*.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying

on the area municipality subsequent thereto, including the composition of its council.

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

37.—(1) Section 11 of the said Act is amended by adding thereto the following subsections: s. 11, amended

(3*a*) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council. Application of R.S.O. 1980, c. 302

(3*b*) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect. Resignation from Regional Council

(3*c*) If not already vacant by virtue of any general or special Act, Where vacancy in Regional Council or area municipality council

(*a*) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(*b*) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

(3*d*) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*) and subsection (3*c*) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council. Declaration of vacancy

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant. Idem

(2) Subsection 11 (5) of the said Act is repealed. s. 11 (5), repealed

s. 21 (*a*), re-enacted

38. Clause 21 (*a*) of the said Act is repealed and the following substituted therefor:

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

s. 71*a*, enacted

39. The said Act is further amended by adding thereto the following section:

Establishment of bus lanes, etc.

71*a*.—(1) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Interpretation

(2) For the purposes of subsection (1),

(*a*) "any other municipality" includes a metropolitan and regional municipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 99 (1), repealed, s. 99 (2), re-enacted

40. Subsections 99 (1) and (2) of the said Act are repealed and the following substituted therefor:

Responsibility of Regional Corporation re hospital aid

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1973, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 117 (2), re-enacted

41. Subsection 117 (2) of the said Act is repealed and the following substituted therefor:

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to be made in estimates

42.—(1) Clause 132 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five". s. 132 (7) (*a*), amended

(2) Section 132 of the said Act is amended by adding thereto the following subsection: s. 132, amended

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidential thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premiums on foreign currency

43. The said Act is further amended by adding thereto the following section: s. 133*a*, enacted

133*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302, s. 143*a*

44. Subsection 151 (1) of the said Act is repealed and the following substituted therefor: s. 151 (1), re-enacted

(1) Sections 5, 105, 106, 110, 113, 114, 115, 116, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

PART V

REGIONAL MUNICIPALITY OF SUDBURY

45. The *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 2*a*, enacted

2*a*.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a Alteration of status of area municipality

township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

s. 11, amended

46.—(1) Section 11 of the said Act is amended by adding thereto the following subsections:

Application of R.S.O. 1980, c. 302

(3*a*) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Resignation from Regional Council

(3*b*) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

Where vacancy in Regional Council or area municipality council

(3*c*) If not already vacant by virtue of any general or special Act,

(*a*) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(*b*) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration of vacancy

(3*d*) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*) and subsection (3*c*) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*), the Regional Council or the council of the area municipality, as the case may be, shall

forthwith declare the seat of that member on the council to be vacant.

(2) Subsection 11 (5) of the said Act is repealed. s. 11 (5), repealed

47. Clause 21 (*a*) of the said Act is repealed and the following substituted therefor: s. 21 (*a*), re-enacted

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

48. Subsection 29 (1), (2) and (3) are repealed and the following substituted therefor: s. 29 (1, 2), repealed, s. 29 (3), re-enacted

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsibility of Regional Corporation re hospital grants

49. The said Act is further amended by adding thereto the following section: s. 55*a*, enacted

55*a*.—(1) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified. Establishment of bus lanes, etc.

(2) For the purposes of subsection (1), Interpretation

(*a*) "any other municipality" includes a metropolitan and regional municipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transpor-

tation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 70 (2), re-enacted

50. Subsection 70 (2) of the said Act is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

s. 84 (7) (*a*), amended

51.—(1) Clause 84 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five".

s. 84, amended

(2) Section 84 of the said Act is amended by adding thereto the following subsection:

Premium on foreign currency

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

s. 85*a*, enacted

52. The said Act is further amended by adding thereto the following section:

Application of R.S.O. 1980, c. 302, s. 143*a*

85*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

s. 103 (1), re-enacted

53. Subsection 103 (1) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 105, 106, 113, 114, 115, 116, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

PART VI

REGIONAL MUNICIPALITY OF PEEL

s. 2*a*, enacted

54. The *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Alteration of status of area municipality

2*a*.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

s. 12, amended

55.—(1) Section 12 of the said Act is amended by adding thereto the following subsections:

Application of R.S.O. 1980, c. 302

(3*a*) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Resignation from Regional Council

(3*b*) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

Where vacancy in Regional Council or area municipality council

(3*c*) If not already vacant by virtue of any general or special Act,

(*a*) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(*b*) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration of vacancy

(3*d*) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*) and subsection (3*c*) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

s. 12 (5), repealed

(2) Subsection 12 (5) of the said Act is repealed.

s. 22 (*a*), re-enacted

56. Clause 22 (*a*) of the said Act is repealed and the following substituted therefor:

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

s. 37 (2), re-enacted

57. Subsection 37 (2) of the said Act is repealed and the following substituted therefor:

Establishment of bus lanes, etc.

(2) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Interpretation

(3) For the purposes of subsection (2),

(*a*) "any other municipality" includes a metropolitan and regional municipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 63 (1), repealed, s. 63 (2), re-enacted

58. Subsections 63 (1) and (2) of the said Act are repealed and the following substituted therefor:

Responsibility of Regional Corporation re hospital grants

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including

municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

59. Subsection 84 (2) of the said Act is repealed and the following substituted therefor: s. 84 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to be made in estimates

60.—(1) Clause 98 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five". s. 98 (7) (*a*), amended

(2) Section 98 of the said Act is amended by adding thereto the following subsection: s. 98, amended

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premium on foreign currency

61. The said Act is further amended by adding thereto the following section: s. 99*a*, enacted

99*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302, s. 143*a*

62. Subsection 117 (1) of the said Act is repealed and the following substituted therefor: s. 117 (1), re-enacted

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

PART VII

REGIONAL MUNICIPALITY OF HALTON

s. 2*a*, enacted

63. The *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Alteration of status of area municipality

2*a*.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

s. 12, amended

64.—(1) Section 12 of the said Act is amended by adding thereto the following subsections:

Application of R.S.O. 1980, c. 302

(3*a*) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Resignation from Regional Council

(3*b*) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

Where vacancy in Regional Council or area municipality council

(3*c*) If not already vacant by virtue of any general or special Act,

(*a*) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(*b*) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

(3*d*) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*) and subsection (3*c*) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council. Declaration of vacancy

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant. Idem

(2) Subsection 12 (5) of the said Act is repealed. s. 12 (5), repealed

65. Clause 22 (*a*) of the said Act is repealed and the following substituted therefor: s. 22 (*a*), re-enacted

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

66. Subsection 37 (2) of the said Act is repealed and the following substituted therefor: s. 37 (2), re-enacted

(2) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified. Establishment of bus lanes, etc.

(3) For the purposes of subsection (2), Interpretation

(*a*) "any other municipality" includes a metropolitan and regional municipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

67. Subsections 68 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 68 (1), repealed, s. 68 (2), re-enacted

Responsibility of Regional Corporation re hospital aid

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 89 (2), re-enacted

68. Subsection 89. (2) of the said Act is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

s. 103 (7) (*a*), amended

69.—(1) Clause 103 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five".

s. 103, amended

(2) Section 103 of the said Act is amended by adding thereto the following subsection:

Premium on foreign currency

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

s. 104*a*, enacted

70. The said Act is further amended by adding thereto the following section:

Application of R.S.O. 1980, c. 302, s. 143*a*

104*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

s. 122 (1), re-enacted

71. Subsection 122 (1) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3), sections 190 and 205,

paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

PART VIII

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

72. The *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 2*a*, enacted

2*a*.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council. Alteration of status of area municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

73.—(1) Section 11 of the said Act is amended by adding thereto the following subsections: s. 11, amended

(3*a*) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council. Application of R.S.O. 1980, c. 302

(3*b*) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect. Resignation from Regional Council

(3*c*) If not already vacant by virtue of any general or special Act, Where vacancy in Regional Council or area municipality council

(*a*) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an

area municipality is declared vacant by the council of that area municipality; and

(*b*) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration of vacancy

(3*d*) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*) and subsection (3*c*) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

s. 11 (5), repealed

(2) Subsection 11 (5) of the said Act is repealed.

s. 21 (*a*), re-enacted

74. Clause 21 (*a*) of the said Act is repealed and the following substituted therefor:

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

s. 36 (2), re-enacted

75. Subsection 36 (2) of the said Act is repealed and the following substituted therefor:

Establishment of bus lanes, etc.

(2) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified.

Interpretation

(3) For the purposes of subsection (2),

(*a*) "any other municipality" includes a metropolitan and regional municipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commis

sion, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

76. Subsections 79 (1) and (3) of the said Act are repealed and the following substituted therefor: s. 79 (1), repealed, s. 79 (3), re-enacted

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsibility of Regional Corporation re hospital aid

77. Subsection 100 (2) of the said Act is repealed and the following substituted therefor: s. 100 (2), re-enacted

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to be made in estimates

78.—(1) Clause 114 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five". s. 114 (7) (*a*), amended

(2) Section 114 of the said Act is amended by adding thereto the following subsection: s. 114, amended

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premium on foreign currency

79. The said Act is further amended by adding thereto the following section: s. 115*a*, enacted

115*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302, s. 143*a*

s. 133 (1), re-enacted

80. Subsection 133 (1) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

PART IX

REGIONAL MUNICIPALITY OF DURHAM

s. 2*a*, enacted

81. The *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Alteration of status of area municipality

2*a*.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

s. 12, amended

82.—(1) Section 12 of the said Act is amended by adding thereto the following subsections:

Application of R.S.O. 1980, c. 302

(3*a*) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Resignation from Regional Council

(3*b*) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect.

(3*c*) If not already vacant by virtue of any general or special Act, Where vacancy in Regional Council or area municipality council

(*a*) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(*b*) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

(3*d*) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*) and subsection (3*c*) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council. Declaration of vacancy

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant. Idem

(2) Subsection 12 (5) of the said Act is repealed. s. 12 (5), repealed

83. Clause 22 (*a*) of the said Act is repealed and the following substituted therefor: s. 22 (*a*), re-enacted

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

84. Subsection 38 (2) of the said Act is repealed and the following substituted therefor: s. 38 (2), re-enacted

(2) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified. Establishment of bus lanes, etc.

(3) For the purposes of subsection (2), Interpretation

(*a*) "any other municipality" includes a metropolitan and regional municipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

s. 82 (1), repealed, s. 82 (2), re-enacted

85. Subsections 82 (1) and (2) of the said Act are repealed and the following substituted therefor:

Responsibility of Regional Corporation re hospital aid

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 96 (2), re-enacted

86. Subsection 96 (2) of the said Act is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

s. 110 (7) (*a*), amended

87.—(1) Clause 110 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five".

s. 110, amended

(2) Section 110 of the said Act is amended by adding thereto the following subsection:

Premium on foreign currency

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

s. 111*a*, enacted

88. The said Act is further amended by adding thereto the following section:

111*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302, s. 143*a*

89. Subsection 129 (1) of the said Act is repealed and the following substituted therefor: s. 129 (1), re-enacted

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

90. Section 144 of the said Act is repealed and the following substituted therefor: s. 144, re-enacted

144.—(1) In this section, "waste" includes ashes, garbage, refuse, domestic waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council. Interpretation

(2) The Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no such facilities shall be provided in the Regional Area by any person or any municipality, including a metropolitan or regional municipality, or by any local board thereof, without the consent of the Regional Council, which consent may be granted on such terms and conditions including the payment of such compensation as may be agreed upon. Waste disposal

(3) Where the Regional Council refuses its consent under subsection (2), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final. Appeal to O.M.B.

(4) For the purposes of subsection (2), the Regional Corporation may, Powers of Regional Corporation

(*a*) acquire and use land;

(*b*) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;

(*c*) contract with Her Majesty in right of Canada, Her Majesty in right of a province, any agency of either of them, an area, regional or metropolitan municipality,

or a local board thereof, or any other person for such purposes;

(*d*) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land; and

(*e*) provide standards and regulations for vehicles, or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

Vesting of property in Regional Corporation

(5) The Regional Council may pass one or more by-laws to assume as regional waste disposal works any or all such solid waste disposal sites, works, facilities and equipment vested in any area municipality, and upon the passing of any such by-law, the sites, works, facilities and equipment specified therein shall vest in the Regional Corporation.

Payment of outstanding debt

(6) The Regional Corporation shall pay to the corporation of any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the real or personal property assumed by the Regional Corporation under subsection (5) or a predecessor thereof.

Interest on late payment

(7) If the Regional Corporation fails to make any payment required by subsection (6) on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Approval of acquisition of lands, etc.

(8) No consent shall be given under subsection (2), no land shall be acquired and no facility shall be operated under subsection (4) and no by-law shall be passed under subsection (5) without,

(*a*) the approval of the area municipality in which the land is situate, which approval may be granted upon such terms and conditions including the payment of such compensation as may be agreed upon; or

(*b*) failing such approval or agreement, the approval of the Municipal Board.

Approval of O.M.B.

(9) The Municipal Board, before giving its approval under clause (8) (*b*), shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Board may direct, and the Board, as a condition

of giving any such approval may by its order impose such restrictions, limitations and conditions respecting the acquisition or use of such land as to the Board may appear necessary or expedient.

How cost to be borne

(10) For the purposes of this section, the Regional Council shall, by by-law, prescribe rates or charges for the use of its disposal facilities.

Disposal of sites

(11) When, in the opinion of the Regional Council, land has been used for solid waste disposal and is no longer required by the Regional Corporation for such purpose, the Regional Corporation shall not dispose of such land without first offering such land to the area municipality within which it is located for nominal consideration upon such terms and conditions as the Regional Council may prescribe.

Non-application of by-laws under R.S.O. 1980, c. 302, s. 210, par. 129

(12) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Routes

(13) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Idem

(14) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

PART X

REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 2*a*, enacted

91. The *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Alteration of status of area municipality

2*a*.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is

altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council.

Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto.

s. 12, amended

92.—(1) Section 12 of the said Act is amended by adding thereto the following subsections:

Application of R.S.O. 1980, c. 302

(3*a*) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Regional Council.

Resignation from Regional Council

(3*b*) A member of the Regional Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and the Council may refuse to accept his resignation in which case it is of no effect.

Where vacancy in Regional Council or area municipality council

(3*c*) If not already vacant by virtue of any general or special Act,

(*a*) the seat of a member of the Regional Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(*b*) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Regional Council is declared vacant by the Regional Council.

Declaration of vacancy

(3*d*) Where the Regional Council or the council of an area municipality declares the seat of a member to be vacant, other than under subsection (3*e*) and subsection (3*c*) applies, the Regional Council or the area council, as the case may be, shall forthwith cause a copy of its declaration to be sent to the other council.

Idem

(3*e*) Upon receiving a copy of a declaration of a vacancy in respect of a member under subsection (3*d*), the Regional Council or the council of the area municipality, as the case may be, shall forthwith declare the seat of that member on the council to be vacant.

(2) Subsection 12 (5) of the said Act is repealed. s. 12 (5), repealed

93. Clause 22 (*a*) of the said Act is repealed and the following substituted therefor: s. 22 (*a*), re-enacted

(*a*) open an account or accounts in the name of the Regional Corporation at such place of deposit as may be approved by the Regional Council.

94. Subsection 37 (2) of the said Act is repealed and the following substituted therefor: s. 37 (2), re-enacted

(2) The Regional Council may by by-law designate any lane on any road over which the Council has jurisdiction as a lane solely or principally for use by public transit motor vehicles, or any class or classes thereof as may be defined in the by-law and by taxicabs and by private motor vehicles carrying such number of passengers as may be specified in the by-law, and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified. Establishment of bus lanes, etc.

(3) For the purposes of subsection (2), Interpretation

(*a*) "any other municipality" includes a metropolitan and regional municipality;

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Regional Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

95. Subsections 57 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 57 (1), repealed, s. 57 (2), re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1974, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsibility of Regional Corporation re hospital aid

s. 78 (2), re-enacted

96. Subsection 78 (2) of the said Act is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year.

s. 92 (7) (*a*), amended

97.—(1) Clause 92 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five".

s. 92, amended

(2) Section 92 of the said Act is amended by adding thereto the following subsection:

Premium on foreign currency

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

s. 93*a*, enacted

98. The said Act is further amended by adding thereto the following section:

Application of R.S.O. 1980, c. 302, s. 143*a*

93*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

s. 111 (1), re-enacted

99. Subsection 111 (1) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50, 54 and 55 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315, section 326 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Commencement

100.—(1) This Act, except sections 8, 12, 19, 24, 33, 43, 52, 57, 61, 66, 70, 75, 79, 84, 88, 94 and 98, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 8, 12, 19, 24, 33, 43, 52, 57, 61, 66, 70, 75, 79, 84, 88, 94 and 98 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

101. The short title of this Act is the *Regional Municipalities Amendment Act, 1981*.



An Act to amend certain Acts
respecting Regional Municipalities

1st Reading

November 30th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

1981

BILL 181 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the County of Oxford Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. The section proposed to be added empowers the Lieutenant Governor in Council, on the recommendation of the Minister pursuant to an application by an area municipality, to alter the status of the municipality to that of a township, village, town or city municipality and to provide for other matters consequent on the alteration in status.

Section 2. The proposed subsection (*2a*) makes certain provisions of the *Municipal Act* applicable to the County Council. These provisions set out the grounds for disqualification of members of council, the situations giving rise to a vacancy in the office of a member of council, the requirement that a council declare a seat vacant when a vacancy occurs, the procedure for bringing a court action to have a seat declared vacant, and the requirement that a member take his declaration of office within a prescribed time period.

The proposed subsection (*2b*) sets out the procedure to be followed by a member wishing to resign.

BILL 181 1981

An Act to amend the County of Oxford Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section: s. 2a, enacted

2a.—(1) Notwithstanding any Act, upon the recommendation of the Minister pursuant to an application by an area municipality the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council. Alteration of status of area municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

2. Section 13 of the said Act is amended by adding thereto the following subsections: s. 13, amended

(2a) Sections 38, 39, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the County Council. Application of R.S.O. 1980, c. 302

(2b) A member of the County Council with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the council does not accept his resignation it is of no effect. Resignation from County Council

Where vacancy in County Council or area municipality council

(2*c*) If not already vacant by virtue of any general or speci Act,

(*a*) the seat of a member of the County Council becom vacant if the seat of that member on the council of a area municipality is declared vacant by the council that area municipality; and

(*b*) the seat of a member of the council of an area munic pality becomes vacant if the seat of that member on t County Council is declared vacant by the Coun Council.

Declaration of vacancy

(2*d*) Where the County Council or the council of an ar municipality declares the seat of a member to be vacant, oth than under subsection (2*e*) and subsection (2*c*) applies, t County Council or the area council, as the case may be, sh forthwith cause a copy of its declaration to be sent to the oth council.

Idem

(2*e*) Upon receiving a copy of a declaration of a vacancy respect of a member under subsection (2*d*) the County Council the council of the area municipality, as the case may be, sh forthwith declare the seat of that member on the council to vacant.

s. 23 (*a*), re-enacted

3. Clause 23 (*a*) of the said Act is repealed and the following subs tuted therefor:

(*a*) open an account or accounts in the name of the Coun at such place of deposit as may be approved by t County Council.

s. 38 (2), re-enacted

4. Subsection 38 (2) of the said Act is repealed and the followi substituted therefor:

Establishment of bus lanes, etc.

(2) The County Council may by by-law designate any lane any road over which it has jurisdiction as a lane solely or prin pally for use by public transit motor vehicles, taxicabs and private motor vehicles carrying such number of passengers may be specified in the by-law, and prohibit or regulate the thereof by all other vehicles to such extent and for such period periods as may be specified in the by-law.

Interpretation

(3) For the purposes of subsection (2),

(*a*) "any other municipality" includes a metropolit municipality and a regional municipality;

(*b*) "public transit motor vehicle" means a motor vehi owned and operated by, for or on behalf of the Cou

The proposed subsection (2*c*) provides that where the seat of a member on the County Council becomes vacant, his seat on the council of the area municipality that he represents automatically becomes vacant, and vice versa. This proposed subsection would apply, for example, where a member missed meetings of the County Council for three successive months but was regularly attending meetings of the local council. Without this proposed subsection, the seat of the member on the County Council would become vacant but his seat on the council of the area municipality would not.

The proposed subsection (2*d*) provides that when the seat of a member is declared vacant by the County Council or by the council of the area municipality that he represents, the council declaring the vacancy shall immediately inform the other council of its declaration.

The proposed subsection (2*e*) provides that the seat of a member on the County Council or on the council of an area municipality shall be declared vacant if that council is informed that the other council has declared his seat on such other council to be vacant.

SECTION 3. Clause 23 (*a*) sets out one of the duties of the treasurer of the County and is set out below as it now reads showing underlined the words proposed to be deleted by the re-enactment:

23. Subject to subsection 22 (3), the treasurer shall,

> *(a) open an account or accounts in the name of the County in such of the chartered banks of Canada or at such other place of deposit as may be approved by the County Council.*

SECTION 4. Subsection 38 (2) as it now reads is set out below:

(2) The County Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the County or any area municipality as part of its passenger transportation service.

The effect of the re-enactment is to limit the authority granted under this subsection to the County Council; in addition, the class or type of motor vehicle that may be authorized to use a reserved lane has been broadened.

Area municipalities will be empowered under a proposed amendment to the *Municipal Act* to exercise substantially similar authority in respect of roads under their jurisdiction.

SECTION 5. Subsection 66 (1), proposed to be repealed, now reads as follows:

(1) The County may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the County and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

The prohibition against an area municipality granting hospital aid is thus removed. Both the County and the area municipalities may grant aid to hospitals under section 113 of the *Municipal Act* and, accordingly, the specific authority to do so is not required in this Act. The proposed re-enactment of subsection 66 (2) incorporates some technical wording change necessitated by the repeal of subsection 66 (1) but its substance is not changed.

SECTION 6. The effect of the proposed re-enactment of subsection 85 (2) is to delete from the end of the subsection as it now reads the words "and for such reserves within such limits as to type and amount as the Ministry may approve". The provisions for the establishment of a reserve fund are set out in a proposed new section 91*a* and will correspond to those contained in the various Acts establishing regional municipalities.

SECTION 7. Provision is made for the establishment of a reserve fund; see also the Note to section 6 of the Bill.

or any other municipality as part of its passenger transportation service and such other class or classes of motor vehicles operated in connection with the provision of a passenger transportation service as may be specified in the by-law.

5. Subsections 66 (1) and (2) of the said Act are repealed and the following substituted therefor: s. 66 (1), repealed; s. 66 (2), re-enacted

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality prior to the 1st day of January, 1975, for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on of the business of public hospitals including municipal hospitals and other health care facilities in the County, and, if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Payment of indebtedness re hospital aid

6. Subsection 85 (2) of the said Act is repealed and the following substituted therefor: s. 85 (2), re-enacted

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to be made in estimates

7. The said Act is further amended by adding thereto the following section: s. 91*a*, enacted

91*a*.—(1) The County Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve fund

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. Special account; R.S.O. 1980, c. 512

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the County Council. Application of funds

Auditor's report

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1).

s. 98 (7) (*a*), amended

8.—(1) Clause 98 (7) (*a*) of the said Act is amended by striking out "ten" in the third line and inserting in lieu thereof "five".

s. 98, amended

(2) Section 98 of the said Act is amended by adding thereto the following subsection:

Premiums on foreign currency

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*) the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

s. 99*a*, enacted

9. The said Act is further amended by adding thereto the following section:

Application of R.S.O. 1980, c. 302, s. 143*a*

99*a*. Section 143*a* of the *Municipal Act* applies with necessary modifications to the County.

s. 117 (1), re-enacted

10. Subsection 117 (1) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 114, 115, 116, 117, 121 and 122, subsection 165 (3) and section 190, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the County.

Commencement

11.—(1) This Act, except sections 4 and 9, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 4 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

12. The short title of this Act is the *County of Oxford Amendment Act, 1981*.

SECTION 8.—Subsection 1. The amendment will decrease from ten years to five years the minimum period within which instalment debentures issued by the County may mature.

Subsection 2. The subsection proposed to be added permits a portion of any premium received on debentures issued by the County payable in a foreign currency to be set aside in a reserve fund to pay any premium on annual payments of principal and interest on the debentures.

SECTION 9. The provision of the *Municipal Act* made applicable to the County authorizes the issue of extendible debentures.

SECTION 10. Sections 114, 115 and 122 are added as sections of the *Municipal Act* that apply to the County. Section 114 provides for offering awards and establishing competitions for awards; section 115 authorizes the provision of fellowships and scholarships, while section 122 authorizes agreements with the Crown respecting the use of the property or of the servants or officers of a municipality or the Crown (in right of Ontario) or the joint acquisition of property by the municipality and the Crown.

An Act to amend the
County of Oxford Act

1st Reading

November 30th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

BILL 182 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Election Finances Reform Act

MR. SAMIS

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Act now limits contributions to political parties, constituency associations and candidates to persons individually, corporations and trade unions.

The Bill would remove the reference to corporations and trade unions to the effect that only individuals would be permitted to make contributions.

BILL 182 1981

An Act to amend the Election Finances Reform Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 17 (1) of the *Election Finances Reform Act*, being chapter 134 of the Revised Statutes of Ontario, 1980, is amended by striking out "corporations and trade unions" in the third and fourth lines. s. 17 (1), amended

2. Subsection 19 (1) of the said Act is amended by striking out "corporation or trade union" in the first and second lines. s. 19 (1), amended

3. Subsection 20 (1) of the said Act is amended by striking out "corporation or trade union" in the first and second lines. s. 20 (1), amended

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is the *Election Finances Reform Amendment Act, 1981*. Short title

An Act to amend the Election Finances Reform Act

1st Reading

December 1st, 1981

2nd Reading

3rd Reading

MR. SAMIS

(*Private Member's Bill*)

1981

BILL 183 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to incorporate The George R. Gardiner Museum of Ceramic Art

THE HON. R. BAETZ
Minister of Culture and Recreation

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is to incorporate and provide for the operation of The George R. Gardiner Museum of Ceramic Art.

BILL 183 1981

An Act to incorporate The George R. Gardiner Museum of Ceramic Art

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the Board of Trustees of the Museum;

(*b*) "Museum" means The George R. Gardiner Museum of Ceramic Art;

(*c*) "property" means real or personal property and any interest therein.

George R. Gardiner Museum of Ceramic Art incorporated

2.—(1) There is hereby constituted a corporation without share capital under the name "The George R. Gardiner Museum of Ceramic Art".

Composition of the Museum

(2) The Museum shall consist of the members of the Board.

Objects of the Museum

3. The objects of the Museum are, for charitable purposes,

(*a*) to collect, conserve, lend and exhibit to the public works of ceramic, decorative and fine art and materials associated with civilizations producing such art;

(*b*) to promote research, education and public interest in the origin, history, development, techniques and appreciation of ceramic, decorative and fine art; and

(*c*) to provide facilities and services for the purposes referred to in clauses (*a*) and (*b*).

Board of Trustees

4.—(1) The affairs of the Museum shall be managed and controlled by the Board which shall consist of fifteen trustees as follows:

1. Five persons appointed by the Board of Regents of Victoria University.

2. One person appointed by the council of The Corporation of the City of Toronto.

3. Nine persons appointed initially by the Lieutenant Governor in Council of whom two shall be George Ryerson Gardiner and Helen Elsie Elizabeth Gardiner and thereafter those nine persons elected in the manner prescribed by the by-laws of the Board by the nine trustees initially appointed under this paragraph or their successors.

Term of office

(2) A trustee appointed or elected under subsection (1) shall hold office for a term of two years and until his successor is appointed or elected, as the case may be.

Vacancies

(3) Where a vacancy occurs on the Board, the vacancy may be filled,

(*a*) in the case of a vacancy of a trustee appointed under paragraph 1 or 2 of subsection (1), by appointment by the body that appointed the trustee whose office is vacant; and

(*b*) in the case of a vacancy of a trustee appointed or elected under paragraph 3 of subsection (1), by appointment by the remaining trustees appointed or elected under that paragraph,

and the person so appointed shall serve for the remainder of the unexpired term of the trustee whose office is vacant.

Reappointment and re-election

(4) A trustee is eligible for reappointment or re-election, as the case may be.

Chairman, vice-chairman

(5) The trustees shall annually elect from among themselves a chairman and one or more vice-chairmen.

Idem

(6) The chairman shall preside at all meetings of the Board and, in his absence, a vice-chairman shall preside, and, in the absence of the chairman and the vice-chairmen, the members present at a meeting shall elect one of themselves to preside.

Compensation

(7) The trustees shall serve without compensation, and no trustee shall, directly or indirectly, receive any remuneration as such but reasonable expenses incurred by any trustee in the performance of his duty may be paid.

5.—(1) Subject to subsection (2), every trustee and officer of the Museum and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the Museum from and against, Indemnity

(*a*) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and

(*b*) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the Museum.

(2) No trustee or officer of the Museum shall be indemnified by the Museum in respect of any liability, costs, charges or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as trustee or officer, he has achieved complete or substantial success as a defendant. Limitation

(3) The Museum may purchase and maintain insurance for the benefit of a trustee or officer thereof, except insurance against a liability, cost, charge or expense of the trustee or officer incurred as a result of his failure to exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the Museum, exercising in connection therewith the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances. Insurance

6. The Board may, Powers of Board

(*a*) make by-laws, rules and regulations necessary or incidental to carrying out the objects of the Museum and the powers and duties of the Board;

(*b*) appoint a Director of the Museum but the Director shall not be a trustee of the Museum;

(*c*) appoint, promote, transfer or remove such officers and clerks and servants as the Board considers necessary from time to time for the proper conduct of the affairs of the Museum and the Board may delegate all or a part of the authority for so doing to the Director;

(*d*) fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of officers and members of the staff of the Museum;

(*e*) provide for the retirement and superannuation of persons mentioned in clauses (*b*) and (*c*);

(*f*) appoint by resolution a trustee or trustees of the Board, or any other person or persons, to execute on behalf of the Board any documents or other instruments in writing and to affix the corporate seal of the Museum thereto;

(*g*) appoint an executive committee composed of the chairman, a vice-chairman and not more than five trustees of the Board and delegate to the executive committee such powers of the Board as the Board may, from time to time, decide;

(*h*) appoint other committees from the trustees of the Board and such other committees as are considered desirable, and confer upon any such committees authority to act for the Board with respect to any matter or any class or classes of matters;

(*i*) enter into agreements with any association or organization to promote the objects of the Museum;

(*j*) enter into agreements with one or more universities, colleges, schools or school boards consistent with the objects of the Museum; and

(*k*) generally conduct and manage the business and affairs of the Museum.

Fiscal year

7. The fiscal year of the Museum may be determined by the Board, from time to time, by by-law.

Property

R.S.O. 1980, c. 219

8. The Museum has, in addition to the powers, rights and privileges mentioned in section 26 of the *Interpretation Act,* the power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, lease or otherwise dispose of the estate or property or any part thereof from time to time and as occasion may require, subject to the provisions of section 16 of this Act, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding any property actually required for the use and occupation of the Museum.

Tax exemptions

9. The property vested in or leased to the Museum is not liable to taxation for municipal or school purposes, so long as it is actually used and occupied for the purposes of the Museum.

10. The property and the income, revenues, issues and profits of all property of the Museum shall be applied solely to achieving the objects of the Museum. Application of property

11.—(1) The Board may borrow money upon the credit of the Museum, and may issue bonds, debentures or other securities of the Museum, and may pledge or sell them for such sums or at such prices as may be considered expedient or necessary, and hypothecate, mortgage or pledge all or any of the property, rights or powers of the Museum to secure any bonds, debentures or other securities and any indebtedness of or money borrowed for the purposes of the Museum. Borrowing powers

(2) Until the 31st day of March, 1987, the Board shall not exercise its powers under subsection (1) without the approval of the Lieutenant Governor in Council. Limitation

12. The funds of the Museum not immediately required for its purposes and the proceeds of all property that come to the Museum, subject to any trust or trusts affecting them, may be invested in such investments as the Board considers proper. Investment of funds

13. The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Museum at least once a year. Audit R.S.O. 1980, c. 405

14.—(1) The Board shall submit to the Minister of Culture and Recreation an annual report and such other reports as he may request from time to time. Annual report, etc.

(2) The Minister of Culture and Recreation shall submit the annual report to the Lieutenant Governor in Council and shall then lay such report before the Assembly if it is in session or, if not, at the next ensuing session. Tabling

15.—(1) The Minister of Culture and Recreation, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make grants for the endowment of the Museum and for the construction of Museum buildings. Authority to make grants to the Museum

(2) The moneys required for the purposes of subsection (1) shall be paid out of the Consolidated Revenue Fund. Moneys

16. Nothing in this Act authorizes the Board to alienate, hypothecate, mortgage or pledge any real or personal property given, devised or bequeathed to it with a condition annexed to such gift that the property shall not be alienated, hypothecated, mortgaged or pledged. Trust property

Dissolution

17. Upon the dissolution of the Museum and after the payment of all debts and liabilities, the remaining property of the Museum shall be given to a museum, art gallery or educational institution designated by the Lieutenant Governor in Council.

Conflict

R.S.O. 1980, cc. 95, 297

18. In the event of a conflict between any provision of this Act and any provision of the *Corporations Act* and the *Mortmain and Charitable Uses Act,* the provision of this Act prevails.

Commencement

19. This Act comes into force on the day it receives Royal Assent.

Short title

20. The short title of this Act is the *George R. Gardiner Museum of Ceramic Art Act, 1981.*

An Act to incorporate The George R. Gardiner Museum of Ceramic Art

---

1st Reading

December 3rd, 1981

2nd Reading

3rd Reading

THE HON. R. BAETZ
Minister of Culture and Recreation

(*Government Bill*)

1981

BILL 183

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to incorporate The George R. Gardiner Museum of Ceramic Art

THE HON. R. BAETZ
Minister of Culture and Recreation

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 183 1981

An Act to incorporate The George R. Gardiner Museum of Ceramic Art

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the Board of Trustees of the Museum;

(*b*) "Museum" means The George R. Gardiner Museum of Ceramic Art;

(*c*) "property" means real or personal property and any interest therein.

George R. Gardiner Museum of Ceramic Art incorporated

2.—(1) There is hereby constituted a corporation without share capital under the name "The George R. Gardiner Museum of Ceramic Art".

Composition of the Museum

(2) The Museum shall consist of the members of the Board.

Objects of the Museum

3. The objects of the Museum are, for charitable purposes,

(*a*) to collect, conserve, lend and exhibit to the public works of ceramic, decorative and fine art and materials associated with civilizations producing such art;

(*b*) to promote research, education and public interest in the origin, history, development, techniques and appreciation of ceramic, decorative and fine art; and

(*c*) to provide facilities and services for the purposes referred to in clauses (*a*) and (*b*).

Board of Trustees

4.—(1) The affairs of the Museum shall be managed and controlled by the Board which shall consist of fifteen trustees as follows:

1. Five persons appointed by the Board of Regents of Victoria University.

2. One person appointed by the council of The Corporation of the City of Toronto.

3. Nine persons appointed initially by the Lieutenant Governor in Council of whom two shall be George Ryerson Gardiner and Helen Elsie Elizabeth Gardiner and thereafter those nine persons elected in the manner prescribed by the by-laws of the Board by the nine trustees initially appointed under this paragraph or their successors.

Term of office

(2) A trustee appointed or elected under subsection (1) shall hold office for a term of two years and until his successor is appointed or elected, as the case may be.

Vacancies

(3) Where a vacancy occurs on the Board, the vacancy may be filled,

(*a*) in the case of a vacancy of a trustee appointed under paragraph 1 or 2 of subsection (1), by appointment by the body that appointed the trustee whose office is vacant; and

(*b*) in the case of a vacancy of a trustee appointed or elected under paragraph 3 of subsection (1), by appointment by the remaining trustees appointed or elected under that paragraph,

and the person so appointed shall serve for the remainder of the unexpired term of the trustee whose office is vacant.

Reappointment and re-election

(4) A trustee is eligible for reappointment or re-election, as the case may be.

Chairman, vice-chairman

(5) The trustees shall annually elect from among themselves a chairman and one or more vice-chairmen.

Idem

(6) The chairman shall preside at all meetings of the Board and, in his absence, a vice-chairman shall preside, and, in the absence of the chairman and the vice-chairmen, the members present at a meeting shall elect one of themselves to preside.

Compensation

(7) The trustees shall serve without compensation, and no trustee shall, directly or indirectly, receive any remuneration as such but reasonable expenses incurred by any trustee in the performance of his duty may be paid.

5.—(1) Subject to subsection (2), every trustee and officer of the Museum and his heirs, executors, administrators and other legal personal representatives may from time to time be indemnified and saved harmless by the Museum from and against, Indemnity

(*a*) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him for or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and

(*b*) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the Museum.

(2) No trustee or officer of the Museum shall be indemnified by the Museum in respect of any liability, costs, charges or expenses that he sustains or incurs in or about any action, suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him under this Act or under any other statute unless, in an action brought against him in his capacity as trustee or officer, he has achieved complete or substantial success as a defendant. Limitation

(3) The Museum may purchase and maintain insurance for the benefit of a trustee or officer thereof, except insurance against a liability, cost, charge or expense of the trustee or officer incurred as a result of his failure to exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the Museum, exercising in connection therewith the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances. Insurance

6. The Board may, Powers of Board

(*a*) make by-laws, rules and regulations necessary or incidental to carrying out the objects of the Museum and the powers and duties of the Board;

(*b*) appoint a Director of the Museum but the Director shall not be a trustee of the Museum;

(*c*) appoint, promote, transfer or remove such officers and clerks and servants as the Board considers necessary from time to time for the proper conduct of the affairs of the Museum and the Board may delegate all or a part of the authority for so doing to the Director;

(*d*) fix the number, duties, salaries, qualifications and tenure of office or employment and other emoluments of officers and members of the staff of the Museum;

(*e*) provide for the retirement and superannuation of persons mentioned in clauses (*b*) and (*c*);

(*f*) appoint by resolution a trustee or trustees of the Board, or any other person or persons, to execute on behalf of the Board any documents or other instruments in writing and to affix the corporate seal of the Museum thereto;

(*g*) appoint an executive committee composed of the chairman, a vice-chairman and not more than five trustees of the Board and delegate to the executive committee such powers of the Board as the Board may, from time to time, decide;

(*h*) appoint other committees from the trustees of the Board and such other committees as are considered desirable, and confer upon any such committees authority to act for the Board with respect to any matter or any class or classes of matters;

(*i*) enter into agreements with any association or organization to promote the objects of the Museum;

(*j*) enter into agreements with one or more universities, colleges, schools or school boards consistent with the objects of the Museum; and

(*k*) generally conduct and manage the business and affairs of the Museum.

Fiscal year

7. The fiscal year of the Museum may be determined by the Board, from time to time, by by-law.

Property

R.S.O. 1980, c. 219

8. The Museum has, in addition to the powers, rights and privileges mentioned in section 26 of the *Interpretation Act,* the power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, and to sell, grant, convey, mortgage, lease or otherwise dispose of the estate or property or any part thereof from time to time and as occasion may require, subject to the provisions of section 16 of this Act, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding any property actually required for the use and occupation of the Museum.

Tax exemptions

9. The property vested in or leased to the Museum is not liable to taxation for municipal or school purposes, so long as it is actually used and occupied for the purposes of the Museum.

10. The property and the income, revenues, issues and profits of all property of the Museum shall be applied solely to achieving the objects of the Museum. Application of property

11.—(1) The Board may borrow money upon the credit of the Museum, and may issue bonds, debentures or other securities of the Museum, and may pledge or sell them for such sums or at such prices as may be considered expedient or necessary, and hypothecate, mortgage or pledge all or any of the property, rights or powers of the Museum to secure any bonds, debentures or other securities and any indebtedness of or money borrowed for the purposes of the Museum. Borrowing powers

(2) Until the 31st day of March, 1987, the Board shall not exercise its powers under subsection (1) without the approval of the Lieutenant Governor in Council. Limitation

12. The funds of the Museum not immediately required for its purposes and the proceeds of all property that come to the Museum, subject to any trust or trusts affecting them, may be invested in such investments as the Board considers proper. Investment of funds

13. The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Museum at least once a year. Audit R.S.O. 1980, c. 405

14.—(1) The Board shall submit to the Minister of Culture and Recreation an annual report and such other reports as he may request from time to time. Annual report, etc.

(2) The Minister of Culture and Recreation shall submit the annual report to the Lieutenant Governor in Council and shall then lay such report before the Assembly if it is in session or, if not, at the next ensuing session. Tabling

15.—(1) The Minister of Culture and Recreation, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make grants for the endowment of the Museum and for the construction of Museum buildings. Authority to make grants to the Museum

(2) The moneys required for the purposes of subsection (1) shall be paid out of the Consolidated Revenue Fund. Moneys

16. Nothing in this Act authorizes the Board to alienate, hypothecate, mortgage or pledge any real or personal property given, devised or bequeathed to it with a condition annexed to such gift that the property shall not be alienated, hypothecated, mortgaged or pledged. Trust property

Dissolution

17. Upon the dissolution of the Museum and after the payment of all debts and liabilities, the remaining property of the Museum shall be given to a museum, art gallery or educational institution designated by the Lieutenant Governor in Council.

Conflict

R.S.O. 1980, cc. 95, 297

18. In the event of a conflict between any provision of this Act and any provision of the *Corporations Act* and the *Mortmain and Charitable Uses Act,* the provision of this Act prevails.

Commencement

19. This Act comes into force on the day it receives Royal Assent.

Short title

20. The short title of this Act is the *George R. Gardiner Museum of Ceramic Art Act, 1981.*

An Act to incorporate The George R.
Gardiner Museum of Ceramic Art

1st Reading

December 3rd, 1981

2nd Reading

December 10th, 1981

3rd Reading

December 17th, 1981

THE HON. R. BAETZ
Minister of Culture and Recreation

BILL 184 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to confirm the Revised Statutes of Ontario, 1980

The Hon. R. McMurtry
Attorney General

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The Bill confirms the form of the statutes as revised and republished by the commissioners under the authority of *The Statutes Revision Act, 1979*.

BILL 184 1981

An Act to confirm the Revised Statutes of Ontario, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R.S.O. 1980, confirmed

1. The statutes contained in the Revised Statutes of Ontario, 1980, as printed by the Queen's Printer, shall have effect as law in the form in which they were printed, subject to enactments made after the 1st day of January, 1981.

Schedule A, confirmed

2. The enactments mentioned in Schedule A to the Revised Statutes of Ontario, 1980, as printed by the Queen's Printer, are repealed to the extent mentioned in the third column of the Schedule.

Commencement

3. This Act shall be deemed to have come into force on the 1st day of August, 1981.

Short title

4. The short title of this Act is the *Revised Statutes Confirmation Act, 1981*.

An Act to confirm the
Revised Statutes of Ontario, 1980

1st Reading

December 7th, 1981

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(*Government Bill*)

1981

BILL 184

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to confirm the Revised Statutes of Ontario, 1980

The Hon. R. McMurtry
Attorney General

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

BILL 184 1981

An Act to confirm the Revised Statutes of Ontario, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R.S.O. 1980, confirmed

1. The statutes contained in the Revised Statutes of Ontario, 1980, as printed by the Queen's Printer, shall have effect as law in the form in which they were printed, subject to enactments made after the 1st day of January, 1981.

Schedule A, confirmed

2. The enactments mentioned in Schedule A to the Revised Statutes of Ontario, 1980, as printed by the Queen's Printer, are repealed to the extent mentioned in the third column of the Schedule.

Commencement

3. This Act shall be deemed to have come into force on the 1st day of August, 1981.

Short title

4. The short title of this Act is the *Revised Statutes Confirmation Act, 1981*.

An Act to confirm the
Revised Statutes of Ontario, 1980

1st Reading

December 7th, 1981

2nd Reading

December 10th, 1981

3rd Reading

December 17th, 1981

THE HON. R. MCMURTRY
Attorney General

1981

BILL 185 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Revised Statutes of Ontario, 1980

The Hon. R. McMurtry
Attorney General

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The Bill corrects certain typographical errors and omissions in the publication of the Revised Statutes of Ontario, 1980 for the purpose of preserving the original text of the statutes amended.

BILL 185 1981

An Act to amend the Revised Statutes of Ontario, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The provisions of the Revised Statutes of Ontario, 1980 cited in column 1 of the Schedule are amended as set out in column 2. Amendments

2. Notwithstanding section 1, the Court of Appeal shall be deemed to have and to have had jurisdiction to hear, determine and dispose of any appeal commenced in it under any provision amended by item 3, 9, 11, 18 or 19 of the Schedule on or after the 2nd day of August, 1981 and on or before the 7th day of December, 1981. Saving

3.—(1) The amendments to the Acts set out in the Schedule, except those referred to in items 3, 9, 11, 18 and 19, shall be deemed to have come into force on the 1st day of August, 1981. Commencement

(2) Section 2 and the amendments to the Acts referred to in items 3, 9, 11, 18 and 19 of the Schedule shall be deemed to have come into force on the 7th day of December, 1981. Idem

4. The short title of this Act is the *Revised Statutes Amendment Act, 1981*. Short title

SCHEDULE

ITEM	COLUMN 1	COLUMN 2
1.	*Business Corporations Act*, c. 54	by adding thereto the following section: "262*a*. An appeal lies to the Divisional Court from any order made by the court under this Act".
2.	*Child Welfare Act*, c. 66, clause 94 (1) (*e*)	by striking out "52 (1)" in the second line and inserting in lieu thereof "54 (1)".
3.	*Conveyancing and Law of Property Act*, c. 90, subs. 37 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
	subs. 61 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
4.	*Energy Act*, c. 139, s. 26	by striking out "21" in the first line and inserting in lieu thereof "22".

ITEM	COLUMN 1	COLUMN 2
5.	*Financial Administration Act*, c. 161, s. 19, par. 2	by striking out "19" in the sixth line and inserting in lieu thereof "10".
	cl. 23 (2) (*c*)	by striking out "32" in the third line and inserting in lieu thereof "20".
6.	*Landlord and Tenant Act*, c. 232, subs. 116 (2)	by striking out "116 (2) to the person entitled thereto" in the eighth line and inserting in lieu thereof "113 (6) shall accompany the notice".
7.	*Liquor Licence Act*, c. 244, subcl. 6 (1) (*c*) (ii)	by striking out "20" in the fifth line and inserting in lieu thereof "19".
	subs. 36 (2)	by striking out "45 (3)" in the second line and inserting in lieu thereof "45 (4)".
	s. 37	by striking out "45 (3)" in the second line and inserting in lieu thereof "45 (4)".
	cl. 39 (*r*)	by striking out "(1) (*b*)" in the second line and inserting in lieu thereof "1 (*b*)".
8.	*Mental Health Act*, c. 262, subs. 56 (1)	by striking out "Divisional Court" in the eighth and ninth lines and inserting in lieu thereof "Supreme Court".
	subs. 56 (2)	by striking out "Divisional Court" in the first line and inserting in lieu thereof "Supreme Court".
	subs. 56 (3)	by striking out "Divisional Court" in the second line and inserting in lieu thereof "Supreme Court".
9.	*Mortgages Act*, c. 296, subs. 11 (10)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
10.	*Motor Vehicle Accident Claims Act*, c. 298, subs. 4 (1)	by striking out "6 (1)" in the seventh line and inserting in lieu thereof "5 (1)".
11.	*Partition Act*, c. 369, s. 8	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
12.	*Public Health Act*, c. 409, subs. 4 (5)	by striking out "(3)" in the first line and inserting in lieu thereof "(4)".
	subs. 92 (3)	by striking out "24" in the fifth line and inserting in lieu thereof "28".
13.	*Public Service Superannuation Act*, c. 419, subs. 13 (9)	by striking out "(8)" in the first line and inserting in lieu thereof "(7)".
	subs. 13 (11)	by striking out "(*a*) or" in the fourth line.
14.	*Regional Municipality of Halton Act*, c. 436	by renumbering section 41 where it occurs the first time immediately following section 38 as section 39 and by striking out "Sections 292 and 294 of the *Municipal Act* do" in the first line of the said section 39 and inserting in lieu thereof "No by-law passed by an area municipality for".

ITEM	COLUMN 1	COLUMN 2
15.	*Residential Tenancies Act*, c. 452, subs. 129 (2)	by inserting after "Part" in the third line "or any predecessor thereof or by *The Residential Premises Rent Review Act, 1975 (2nd Session)*".
16.	*Small Claims Courts Act*, c. 476, s. 157	by striking out "155 (1)" in the first line and inserting in lieu thereof "156 (1)".
17.	*Succession Law Reform Act*, c. 488, cl. 31 (*d*)	by striking out "46" and inserting in lieu thereof "45".
18.	*Unconscionable Transactions Relief Act*, c. 514, subs. 4 (5)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
19.	*Vendors and Purchasers Act*, c. 520, subs. 3 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
20.	*Vital Statistics Act*, c. 524, subs. 15 (2)	by striking out "54 (*m*)" in the first line and inserting in lieu thereof "55 (*m*)".

An Act to amend the
Revised Statutes of Ontario, 1980

1st Reading

December 7th, 1981

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(*Government Bill*)

1981

BILL 185 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Revised Statutes of Ontario, 1980

The Hon. R. McMurtry
Attorney General

(Reprinted as amended by the Committee of the Whole House)

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The Bill corrects certain typographical errors and omissions in the publication of the Revised Statutes of Ontario, 1980 for the purpose of preserving the original text of the statutes amended.

BILL 185 1981

An Act to amend the Revised Statutes of Ontario, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The provisions of the Revised Statutes of Ontario, 1980 cited in column 1 of the Schedule are amended as set out in column 2. Amendments

2.—(1) This Act shall be deemed to have come into force on the 1st day of August, 1981. Commencement

(2) Notwithstanding subsection (1), the Court of Appeal shall be deemed to have and to have had jurisdiction to hear, determine and dispose of any appeal under a provision amended by item 3, 9, 11, 18 or 19 of the Schedule set down in or adjourned to the Court of Appeal on or after the 2nd day of August, 1981 and on or before the 7th day of December, 1981. Saving

3. The short title of this Act is the *Revised Statutes Amendment Act, 1981*. Short title

SCHEDULE

ITEM	COLUMN 1	COLUMN 2
1.	*Business Corporations Act*, c. 54	by adding thereto the following section: "262*a*. An appeal lies to the Divisional Court from any order made by the court under this Act".
2.	*Child Welfare Act*, c. 66, clause 94 (1) (*e*)	by striking out "52 (1)" in the second line and inserting in lieu thereof "54 (1)".
3.	*Conveyancing and Law of Property Act*, c. 90, subs. 37 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
	subs. 61 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
4.	*Energy Act*, c. 139, s. 26	by striking out "21" in the first line and inserting in lieu thereof "22".

ITEM	COLUMN 1	COLUMN 2
5.	*Financial Administration Act*, c. 161, s. 19, par. 2	by striking out "19" in the sixth line and inserting in lieu thereof "10".
	cl. 23 (2) (*c*)	by striking out "32" in the third line and inserting in lieu thereof "20".
6.	*Landlord and Tenant Act*, c. 232, subs. 116 (2)	by striking out "116 (2) to the person entitled thereto" in the eighth line and inserting in lieu thereof "113 (6) shall accompany the notice".
7.	*Liquor Licence Act*, c. 244, subcl. 6 (1) (*c*) (ii)	by striking out "20" in the fifth line and inserting in lieu thereof "19".
	subs. 36 (2)	by striking out "45 (3)" in the second line and inserting in lieu thereof "45 (4)".
	s. 37	by striking out "45 (3)" in the second line and inserting in lieu thereof "45 (4)".
	cl. 39 (*r*)	by striking out "(1) (*b*)" in the second line and inserting in lieu thereof "1 (*b*)".
8.	*Mental Health Act*, c. 262, subs. 56 (1)	by striking out "Divisional Court" in the eighth and ninth lines and inserting in lieu thereof "Supreme Court".
	subs. 56 (2)	by striking out "Divisional Court" in the first line and inserting in lieu thereof "Supreme Court".
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9.	*Mortgages Act*, c. 296, subs. 11 (10)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
10.	*Motor Vehicle Accident Claims Act*, c. 298, subs. 4 (1)	by striking out "6 (1)" in the seventh line and inserting in lieu thereof "5 (1)".
11.	*Partition Act*, c. 369, s. 8	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
12.	*Public Health Act*, c. 409, subs. 4 (5)	by striking out "(3)" in the first line and inserting in lieu thereof "(4)".
	subs. 92 (3)	by striking out "24" in the fifth line and inserting in lieu thereof "28".
13.	*Public Service Superannuation Act*, c. 419, subs. 13 (9)	by striking out "(8)" in the first line and inserting in lieu thereof "(7)".
	subs. 13 (11)	by striking out "(*a*) or" in the fourth line.
14.	*Regional Municipality of Halton Act*, c. 436	by renumbering section 41 where it occurs the first time immediately following section 38 as section 39 and by striking out "Sections 292 and 294 of the *Municipal Act* do" in the first line of the said section 39 and inserting in lieu thereof "No by-law passed by an area municipality for".

ITEM	COLUMN 1	COLUMN 2
15.	*Residential Tenancies Act*, c. 452, subs. 129 (2)	by inserting after "Part" in the third line "or any predecessor thereof or by *The Residential Premises Rent Review Act, 1975 (2nd Session)*".
16.	*Small Claims Courts Act*, c. 476, s. 157	by striking out "155 (1)" in the first line and inserting in lieu thereof "156 (1)".
17.	*Succession Law Reform Act*, c. 488, cl. 31 (*d*)	by striking out "46" and inserting in lieu thereof "45".
18.	*Unconscionable Transactions Relief Act*, c. 514, subs. 4 (5)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
19.	*Vendors and Purchasers Act*, c. 520, subs. 3 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
20.	*Vital Statistics Act*, c. 524, subs. 15 (2)	by striking out "54 (*m*)" in the first line and inserting in lieu thereof "55 (*m*)".

An Act to amend the
Revised Statutes of Ontario, 1980

1st Reading

December 7th, 1981

2nd Reading

December 10th, 1981

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Reprinted as amended by the Committee of the Whole House)

1981

BILL 185

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Revised Statutes of Ontario, 1980

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

ILL 185 1981

An Act to amend the Revised Statutes of Ontario, 1980

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as llows:

1. The provisions of the Revised Statutes of Ontario, 1980 cited in column 1 of the Schedule are amended as set out in column 2. Amendments

2.—(1) This Act shall be deemed to have come into force on the 1st day of August, 1981. Commencement

(2) Notwithstanding subsection (1), the Court of Appeal shall be deemed to have and to have had jurisdiction to hear, determine and dispose of any appeal under a provision amended by item 3, 9, 11, 18 or 19 of the Schedule set down in or adjourned to the Court of Appeal on or after the 2nd day of August, 1981 and on or before the 7th day of December, 1981. Saving

3. The short title of this Act is the *Revised Statutes Amendment Act, 1981*. Short title

SCHEDULE

M	Column 1	Column 2
1.	*Business Corporations Act*, c. 54	by adding thereto the following section: "262*a*. An appeal lies to the Divisional Court from any order made by the court under this Act".
2.	*Child Welfare Act*, c. 66, clause 94 (1) (*e*)	by striking out "52 (1)" in the second line and inserting in lieu thereof "54 (1)".
3.	*Conveyancing and Law of Property Act*, c. 90, subs. 37 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
	subs. 61 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
.	*Energy Act*, c. 139, s. 26	by striking out "21" in the first line and inserting in lieu thereof "22".

ITEM	COLUMN 1	COLUMN 2
5.	*Financial Administration Act*, c. 161, s. 19, par. 2	by striking out "19" in the sixth line and inserting in lieu thereof "10".
	cl. 23 (2) (*c*)	by striking out "32" in the third line and inserting in lieu thereof "20".
6.	*Landlord and Tenant Act*, c. 232, subs. 116 (2)	by striking out "116 (2) to the person entitled thereto" in the eighth line and inserting in lieu thereof "113 (6) shall accompany the notice".
7.	*Liquor Licence Act*, c. 244, subcl. 6 (1) (*c*) (ii)	by striking out "20" in the fifth line and inserting in lieu thereof "19".
	subs. 36 (2)	by striking out "45 (3)" in the second line and inserting in lieu thereof "45 (4)".
	s. 37	by striking out "45 (3)" in the second line and inserting in lieu thereof "45 (4)".
	cl. 39 (*r*)	by striking out "(1) (*b*)" in the second line and inserting in lieu thereof "1 (*b*)".
8.	*Mental Health Act*, c. 262, subs. 56 (1)	by striking out "Divisional Court" in the eighth and ninth lines and inserting in lieu thereof "Supreme Court".
	subs. 56 (2)	by striking out "Divisional Court" in the first line and inserting in lieu thereof "Supreme Court".
	subs. 56 (3)	by striking out "Divisional Court" in the second line and inserting in lieu thereof "Supreme Court".
9.	*Mortgages Act*, c. 296, subs. 11 (10)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
10.	*Motor Vehicle Accident Claims Act*, c. 298, subs. 4 (1)	by striking out "6 (1)" in the seventh line and inserting in lieu thereof "5 (1)".
11.	*Partition Act*, c. 369, s. 8	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
12.	*Public Health Act*, c. 409, subs. 4 (5)	by striking out "(3)" in the first line and inserting in lieu thereof "(4)".
	subs. 92 (3)	by striking out "24" in the fifth line and inserting in lieu thereof "28".
13.	*Public Service Superannuation Act*, c. 419, subs. 13 (9)	by striking out "(8)" in the first line and inserting in lieu thereof "(7)".
	subs. 13 (11)	by striking out "(*a*) or" in the fourth line.
14.	*Regional Municipality of Halton Act*, c. 436	by renumbering section 41 where it occurs the first time immediately following section 38 as section 39 and by striking out "Sections 292 and 294 of the *Municipal Act* do" in the first line of the said section 39 and inserting in lieu thereof "No by-law passed by an area municipality for".

ITEM	COLUMN 1	COLUMN 2
15.	*Residential Tenancies Act*, c. 452, subs. 129 (2)	by inserting after "Part" in the third line "or any predecessor thereof or by *The Residential Premises Rent Review Act, 1975 (2nd Session)*".
16.	*Small Claims Courts Act*, c. 476, s. 157	by striking out "155 (1)" in the first line and inserting in lieu thereof "156 (1)".
17.	*Succession Law Reform Act*, c. 488, cl. 31 (*d*)	by striking out "46" and inserting in lieu thereof "45".
18.	*Unconscionable Transactions Relief Act*, c. 514, subs. 4 (5)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
19.	*Vendors and Purchasers Act*, c. 520, subs. 3 (6)	by striking out "Court of Appeal" in the first line and inserting in lieu thereof "Divisional Court".
20.	*Vital Statistics Act*, c. 524, subs. 15 (2)	by striking out "54 (*m*)" in the first line and inserting in lieu thereof "55 (*m*)".

An Act to amend the
Revised Statutes of Ontario, 1980

1st Reading

December 7th, 1981

2nd Reading

December 10th, 1981

3rd Reading

December 17th, 1981

THE HON. R. MCMURTRY
Attorney General

1981

BILL 186

Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Surrogate Courts Act

The Hon. R. McMurtry
Attorney General

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The amendment would permit matters in a surrogate court in which the office of judge is temporarily vacant to be dealt with by a surrogate court judge outside the county. The amendment is parallel to the provision applying to county court judges under section 17 of the *County Judges Act*.

ILL 186 1981

An Act to amend the Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as ows:

1. Section 11 of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection: s. 11, amended

(3) A judge appointed for the surrogate court of one or more counties who is a judge of a county or district court, with the approval of the Chief Judge of the County and District Courts, may exercise the powers and perform the duties of a surrogate court judge under subsection (1), notwithstanding that he is not present in the county. Idem

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Surrogate Courts Amendment Act, 1981*. Short title

1st Reading

December 7th, 1981

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(*Government Bill*)

1981

BILL 187 Private Member's Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Expropriations Act

Mr. Kennedy

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The purpose of the Bill is to provide an alternate basis upon which an expropriating authority shall make lands that it intends to sell available to the owner from whom the land was taken. Currently, the expropriating authority must make the land available to the former owner on the terms of the best offer received by the expropriating authority for the lands. The Bill requires that the land also be made available to the former owner for an amount approximately equal to the total amount of compensation paid to the owner plus interest. If there is any dispute concerning the terms or cost of the repurchase, the expropriating authority or the former owner may apply to the Land Compensation Board for a determination of the issue.

BILL 187 1981

An Act to amend the Expropriations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 44 of the *Expropriations Act,* being chapter 148 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 44, re-enacted

44.—(1) Where lands that have been expropriated and are in the possession of the expropriating authority are found by the expropriating authority to be no longer required for its purposes, the expropriating authority shall not, without the approval of the approving authority, dispose of the lands without giving the owner from whom the land was taken the first chance to repurchase the lands, Disposal of expropriated lands

(*a*) on the terms of the best offer received by the expropriating authority; or

(*b*) for an amount equal to,

(i) the amount of the compensation paid to the owner, and

(ii) interest on the amount referred to in subclause (i).

(2) For the purpose of clause (1) (*b*), interest shall be calculated in the manner set out in the regulations. Calculation of interest

(3) Where an expropriating authority proposes to dispose of land under subsection (1), and the owner from whom the land was taken is deceased, the expropriating authority shall give the first chance to repurchase the lands to the spouse of the owner or, if the spouse is deceased, to the children of the owner unless the expropriating authority is unable, after reasonable effort, to locate the spouse or children of the owner. Where owner deceased

Determination by Board

(4) Where a dispute arises concerning the terms of a repu chase or the amount required to repurchase lands referred to subsection (1), the expropriating authority or the person who has right to repurchase the lands may apply to the Board for determination of the terms or the amount for which the lan may be repurchased and the Board may make the determinati and the provisions of this Act and the regulations respecting t determination of compensation, hearings and procedure including costs and appeals, apply thereto with necessary mod fications.

s. 46, amended

2. Section 46 of the said Act is amended by adding thereto the follo ing clause:

(*aa*) respecting the manner of calculating interest under su section 44 (2).

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Expropriations Amendment A 1981*.



An Act to amend
the Expropriations Act

1st Reading

December 7th, 1981

2nd Reading

3rd Reading

MR. KENNEDY

(*Private Member's Bill*)

BILL 188 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Municipality of Metropolitan Toronto Act

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

Section 1. The subsection proposed to be repealed provides that the resignation from the Metropolitan Council or from an area municipality council by a person who is a member of both councils is deemed to be a resignation from both; its repeal is complementary to section 2 of the Bill.

Section 2. The proposed subsection (3*a*) makes certain provisions of the *Municipal Act* applicable to the Metropolitan Council. These provisions set out the grounds for disqualification of members of council, the situations giving rise to a vacancy in the office of a member of council, the requirement that a council declare a seat vacant when a vacancy occurs, the procedure for bringing a court action to have a seat declared vacant, and the requirement that a member take his declaration of office within a prescribed time period.

The proposed subsection (3*b*) sets out the procedure to be followed by a member wishing to resign.

The proposed subsection (3*c*) provides that where the seat of a member on the Metropolitan Council becomes vacant, his seat on the council of the area municipality that he represents automatically becomes vacant, and vice versa. This proposed subsection would apply, for example, where a member missed meetings of the Metropolitan Council for three successive months but was regularly attending meetings of the local council. Without this proposed subsection, the seat of the member on the Metropolitan Council would become vacant but his seat on the council of the area municipality would not.

The proposed subsection (3*d*) provides that when the seat of a member is declared vacant by the Metropolitan Council or by the council of the area municipality that he represents, the council declaring the vacancy shall immediately inform the other council of its declaration.

The proposed subsection (3*e*) provides that the seat of a member on the Metropolitan Council or on the council of an area municipality shall be declared vacant if that council is informed that the other council has declared his seat on such other council to be vacant.

BILL 188 1981

An Act to amend the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 (9) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed. s. 5 (9), repealed

2. Section 10 of the said Act is amended by adding thereto the following subsections: s. 10, amended

(3*a*) Sections 38, 39, except clause (*c*) thereof, 43, 44 and 97 of the *Municipal Act* apply with necessary modifications to the Metropolitan Council. Application of R.S.O. 1980, c. 302

(3*b*) A member of the Metropolitan Council, with the consent of the majority of the members present at a meeting entered upon the minutes of it, may resign his office and his seat on the Council which shall then be vacant, but he shall not vote on a motion as to his own resignation and if the Council does not accept his resignation it is of no effect. Resignation from Metropolitan Council

(3*c*) If not already vacant by virtue of any general or special Act, Where vacancy on Metropolitan Council or area municipality council

(*a*) the seat of a member of the Metropolitan Council becomes vacant if the seat of that member on the council of an area municipality is declared vacant by the council of that area municipality; and

(*b*) the seat of a member of the council of an area municipality becomes vacant if the seat of that member on the Metropolitan Council is declared vacant by the Metropolitan Council.

(3*d*) Where the Metropolitan Council or the council of an area municipality declares the seat of a member to be vacant, other Declaration of vacancy

than under subsection (3*e*) and subsection (3*c*) applies, the Met ropolitan Council or the council of the area municipality, as th case may be, shall forthwith cause a copy of its declaration to b sent to the other council.

Idem

(3*e*) Upon receiving a copy of a declaration of a vacancy i respect of a member under subsection (3*d*), the Metropolita Council or the council of the area municipality, as the case ma be, shall forthwith declare the seat of that member on the counc to be vacant.

s. 11 (7), re-enacted

3. Subsection 11 (7) of the said Act is repealed and the followin substituted therefor:

Vacancy

(7) The seat of a member on the Executive Committe becomes vacant if his seat on the Metropolitan Council declared vacant or if he ceases to be qualified to be a member the Executive Committee under subsection (1).

Filling of vacancy

(7*a*) Where the seat of a member on the Executive Committe becomes vacant and the member was a borough or city controll immediately prior to the occurring of the vacancy, the vacan shall be filled by the controller from the same borough or ci who received the next greatest number of votes.

s. 21 (5), re-enacted

4. Subsection 21 (5) of the said Act is repealed and the followir substituted therefor:

Deposit accounts

(5) The treasurer shall open an account or accounts in t name of the Metropolitan Corporation at such place of deposit may be approved by the Metropolitan Council and shall depo therein all money received by him on account of the Metropolit Corporation, and he shall keep the money of the Metropolit Corporation entirely separate from his own money.

s. 80, re-enacted

5. Section 80 of the said Act is repealed and the following substitut therefor:

Reserved lane for public transit motor vehicles, etc.

80.—(1) The Metropolitan Council may by by-law design any lane on any road over which the Council has jurisdiction a lane solely or principally for use by public transit motor vehicl or any class or classes thereof as may be defined in the by-la and by taxicabs and by private motor vehicles carrying su number of passengers as may be specified in the by-law a prohibit and regulate the use thereof by all other vehicles to su extent and for such period or periods as may be specified.

Interpretation

(2) For the purposes of subsection (1),

(*a*) "any other municipality" includes a regional mun pality;

SECTION 3. The re-enacted subsection (7) makes it explicit that the seat of a member of the Executive Committee of the Metropolitan Council becomes vacant if his seat on the Metropolitan Council is declared vacant. The new subsection (7*a*) is substantially the same as subsection (7) as it exists prior to the re-enactment.

SECTION 4. The subsection as it now reads is set out below showing underlined the words proposed to be deleted:

(5) The treasurer shall open an account or accounts in the name of the Metropolitan Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the Metropolitan Council and shall deposit therein all money received by him on account of the Metropolitan Corporation, and he shall keep the money of the Metropolitan Corporation entirely separate from his own money.

SECTION 5. Section 80 of the Act now reads as follows:

80. The Metropolitan Council and the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles, taxicabs and private motor vehicles carrying such number of passengers as may be specified in the by-law and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified, and, for the purposes of this section, "public transit motor vehicle" means any motor vehicle owned and operated by the Toronto Transit Commission as part of its regular passenger transportation service and such other class or classes of transit motor vehicles as may be specified in the by-law.

The effect of the re-enactment is to limit the authority granted under this section to the Metropolitan Council; in addition, the class or type of motor vehicle that may be authorized to use a reserved lane has been broadened.

Area municipalities will be empowered under a proposed amendment to the *Municipal Act* to exercise substantially similar authority in respect of roads under their jurisdiction.

SECTION 6.—Subsection 1. In the re-enactment, the requirement to obtain Municipal Board approval to the designation of a controlled-access road has been removed.

Subsection 2. The re-enactment of subsections 92 (7) and (8) makes uniform with the various regional municipality Acts the provisions respecting an appeal from an order of the Municipal Board approving or refusing to approve the closing of a road that runs into or intersects a controlled-access road.

SECTION 7. Section 151 of the Act now provides for the erecting to the status of a city any area municipality that has the status of a township municipality. As re-enacted, the provision is broadened in the manner set out.

(*b*) "public transit motor vehicle" means any motor vehicle operated by, for or on behalf of the Metropolitan Corporation or any other municipality, or by a transit commission, in connection with a regular passenger transportation service, and includes such other motor vehicles operated in connection with a regular passenger transportation service as may be specified in the by-law.

6.—(1) Subsection 92 (1) of the said Act is repealed and the following substituted therefor: s. 92 (1), re-enacted

(1) The Metropolitan Corporation may by by-law designate any metropolitan road, or any portion thereof, as a metropolitan controlled-access road. Controlled-access roads

(2) Subsections 92 (7) and (8) of the said Act are repealed and the following substituted therefor: s. 92 (7, 8), re-enacted

(7) Any person, including an area municipality, that has filed particulars of an objection or the Metropolitan Corporation may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (5). Appeal to Divisional Court

(8) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board, subject to the rules of the court as to vacations. Time for appeal

7. Section 151 of the said Act is repealed and the following substituted therefor: s. 151, re-enacted

151.—(1) Notwithstanding section 148, upon the recommendation of the Minister of Municipal Affairs and Housing pursuant to an application by the council of an area municipality, the Lieutenant Governor in Council may, by order, alter the status of the area municipality to that of a township, village, town or city municipality, and may direct the new name that the area municipality will bear when its status is altered and the date when the alteration of status will take effect and may provide for any matters that are considered necessary or desirable for implementing the alteration of status or for carrying on the area municipality subsequent thereto, including the composition of its council. Alteration in status of area municipality

(2) Where an order is made under subsection (1), sections 17, 19 and 22 of the *Municipal Act* apply, with necessary modifications, and the provisions of any special Act that applied to the area municipality prior to the alteration of its status continue to apply to it subsequent thereto. Application of R.S.O. 1980, c. 302, ss. 17, 19, 22

s. 157, repealed

8. Section 157 of the said Act is repealed.

s. 175, amended

9. Section 175 of the said Act is amended by adding thereto the following subsections:

Additional policing services
R.S.O. 1980, c. 381

(3) The Metropolitan Police Force, in addition to performing the policing duties prescribed in the *Police Act*,

(*a*) may maintain a safety and lifesaving patrol of the waters of Lake Ontario within the limits of the Metropolitan Area;

(*b*) may provide lifeguard service on the beaches in the Metropolitan Area;

(*c*) may provide The Toronto Harbour Commissioners with such security and port policing for the Port of Toronto as the Commissioners may require from time to time.

Fees

(4) The Metropolitan Board may charge such fees for the services provided under clauses (3) (*b*) and (*c*) as the Board from time to time determines.

Agreement

(5) The Metropolitan Corporation and the Metropolitan Board may enter into an agreement with The Toronto Harbour Commissioners in respect of the transfer of members of the Toronto Harbour Police and the Port of Toronto Police to the Metropolitan Police Force and such agreement shall provide,

(*a*) that every person who was a member of the Toronto Harbour Police or the Port of Toronto Police on the 1st day of June, 1981, and who continues to be a member until the 31st day of December, 1981, shall be offered employment as a member of the Metropolitan Police Force as of the 1st day of January, 1982;

(*b*) that where a person who was a member of the Toronto Harbour Police accepts employment with the Metropolitan Police Force under clause (*a*) he shall, in respect of employment after the 1st day of January, 1982, be entitled to the same salary and benefits as a member of the Metropolitan Police Force in a similar position; and

(*c*) that all property, both real and personal, used on the 1st day of June, 1981, in connection with the operation of the Toronto Harbour Police or the Port of Toronto Police shall be transferred without compensation to the

SECTION 8. The section proposed to be repealed authorizes the Metropolitan Council to grant aid to public hospitals. The Council may grant aid to hospitals under section 113 of the *Municipal Act* and this specific authority is therefore not required.

SECTION 9. The subsections proposed to be added authorize the Metropolitan Police Force to assume the functions of the Toronto Harbour Police and the Port of Toronto Police. Provision is made for the transfer of members of those police to the Metropolitan Police Force and other matters consequent on the transfer of authority in the manner to be agreed upon by the Metropolitan Corporation, the Metropolitan Board of Commissioners of Police and The Toronto Harbour Commissioners.

SECTION 10. The subclause proposed to be re-enacted as it now reads is set out below:

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by a chartered bank to which the Bank Act (Canada) applies.

The amendment reflects recent amendments to the *Bank Act* (Canada).

SECTION 11. The effect of the proposed re-enactment of subsection 218 (2) is to delete from the end of the subsection as it now reads the words "and for such reserves within such limits as to type and amount as the Ministry may approve but shall not make any allowance for payments to be received during the current year under the *Ontario Unconditional Grants Act*". Specific provision for reserve funds is found in section 221 of the Act and the reference to the *Ontario Unconditional Grants Act* is superfluous.

SECTION 12.—Subsection 1. The effect of the re-enactment is to make applicable to the Metropolitan Corporation the proposed new section 143*a* of the *Municipal Act*. That section will authorize the issue of extendible debentures.

Subsection 2. The subsection proposed to be added permits a portion of any premium received on debentures issued by the Metropolitan Corporation payable in a foreign currency to be set aside in a reserve fund to pay any premium on annual payments of principal and interest on the debentures.

Metropolitan Corporation for the use of the Metropolitan Board.

(6) The Corporation of the City of Toronto may contribute to the Ontario Municipal Employees Retirement System such sums as may be required to provide to members of the Toronto Harbour Police who accept employment under clause (5) (*a*) the same period of credited service in the Ontario Municipal Employees Retirement System as their period of credited service in the pension plan of The Toronto Harbour Commissioners on the 31st day of December, 1981. Contribution to O.M.E.R.S. by City of Toronto

10. Subclause 217 (2) (*a*) (iii) of the said Act is repealed and the following substituted therefor: s. 217 (2) (*a*) (iii), re-enacted

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by a bank named in Schedule A or B to the *Bank Act* (Canada). 1980-81, c. 40 (Can.)

11. Subsection 218 (2) of the said Act is repealed and the following substituted therefor: s. 218 (2), re-enacted

(2) In preparing the estimates, the Metropolitan Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year. Allowance to be made in estimates

12.—(1) Subsection 227 (16) of the said Act is repealed and the following substituted therefor: s. 227 (16), re-enacted

(16) Subsections 143 (4) and (16), sections 143*a*, 144 and 145 and subsections 147 (1) and (2) of the *Municipal Act* apply with necessary modifications to the Metropolitan Corporation. Application of R.S.O. 1980, c. 302

(2) Section 227 of the said Act is amended by adding thereto the following subsection: s. 227, amended

(21*a*) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (*b*), (*c*) or (*d*), the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premium on foreign currency

s. 245 (1), re-enacted

13. Subsection 245 (1) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 105, 106, 113, 114, 115, 116 and 122, subsection 165 (3), paragraphs 3, 11, 12, 23, 24, 27, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

Commencement

14.—(1) This Act, except section 5 and subsection 12 (1), comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 and subsection 12 (1) come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1981*.

SECTION 13. Sections 114, 115 and 122 are added as sections of the *Municipal Act* that apply to the Metropolitan Corporation. Section 114 provides for offering awards and establishing competitions for awards; section 115 authorizes the provision of fellowships and scholarships, while section 122 authorizes agreements with the Crown respecting the use of the property or of the servants or officers of a municipality or the Crown (in right of Ontario) or the joint acquisition of property by the municipality and the Crown.

An Act to amend the Municipality of Metropolitan Toronto Act

1st Reading

December 8th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs
and Housing

(*Government Bill*)

1981

BILL 189 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to revise the Toronto Stock Exchange Act

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

The purpose of the Bill is to revise the *Toronto Stock Exchange Act*. The principal amendments are as follows:

1. The Board of Governors of The Toronto Stock Exchange is authorized to delegate its investigative and disciplinary functions to one or more committees established by the Board and to individual persons.

2. The Board of Governors of The Toronto Stock Exchange is authorized to hold meetings by conference telephone, electronic or other communication facilities.

3. The powers of the Exchange to hold property are increased to facilitate the forthcoming relocation of the Exchange to new quarters.

4. The object of the Exchange, as set out in section 4 of the Bill, is revised to reflect that securities, such as options, are traded on the Exchange in addition to stocks.

5. Provisions concerning the election of the chairman and vice-chairman of the Board of Governors and the appointment of the secretary and the treasurer of the Exchange are included in the Bill.

6. The Exchange will be able to alter the size of the Board of Governors by by-law.

7. Where in the public interest an order is made restricting or suspending the privileges of a member before a hearing is held, a hearing must be held within fifteen days of the making of the order otherwise the restriction or suspension expires fifteen days after the making of the order.

BILL 189 1981

An Act to revise the Toronto Stock Exchange Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "associate", "director", "issuer", "securities" and "senior officer" have the same meaning as in the *Securities Act*; R.S.O. 1980, c. 466

(*b*) "board of directors" means the board of directors of The Toronto Stock Exchange;

(*c*) "Corporation" means The Toronto Stock Exchange;

(*d*) "exchange" means the exchange operated by the Corporation;

(*e*) "insider" means,

(i) every director or senior officer of an issuer,

(ii) every director or senior officer of a company that is itself an insider or subsidiary of an issuer,

(iii) any person or company who beneficially owns, directly or indirectly, voting securities of an issuer or who exercises control or direction over voting securities of an issuer or a combination of both carrying more than 10 per cent of the voting rights attached to all voting securities of the issuer for the time being outstanding other than voting securities held by the person or company as underwriter in the course of a distribution, and

(iv) an issuer where it has purchased, redeemed or otherwise acquired any of its securities, for so long as it holds any of its securities;

(*f*) "public director" means a member of the board of directors elected under subsection 7 (2). R.S.O. 1980, c. 506, s. 1, *amended*.

Corporation continued

2. The Toronto Stock Exchange is continued as a corporation without share capital under the name of "The Toronto Stock Exchange". R.S.O. 1980, c. 506, s. 2, *amended*.

Head office

3. The head office of the Corporation shall be situate in The Municipality of Metropolitan Toronto. R.S.O. 1980, c. 506, s. 3.

Object

4.—(1) The object of the Corporation is to operate an exchange in Ontario for trading in securities by the members of the Corporation and other persons authorized under subsection (2). R.S.O. 1980, c. 506, s. 4 (1), *amended*.

Trading by non-members

(2) The board of directors may authorize persons other than members to trade on the exchange, subject to such terms and conditions as are imposed by the board of directors. R.S.O. 1980, c. 506, s. 4 (2), *amended*.

Compliance with R.S.O. 1980, c. 466

(3) The Corporation shall operate the exchange in a manner that does not contravene the requirements of the *Securities Act*, the regulations made thereunder, and any decision of the Ontario Securities Commission made under that Act and regulations, and the Corporation may impose any additional or higher requirement within its jurisdiction. R.S.O. 1980, c. 506, s. 4 (3), *amended*.

Non-profit

5. The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its object. R.S.O. 1980, c. 506, s. 5

Board of directors

6.—(1) The affairs of the Corporation shall be managed by a board of directors, who may be referred to as governors, consisting of,

(*a*) the President of the Corporation;

(*b*) two public directors; and

(*c*) such other number of directors as the by-laws provide elected by the members in accordance with this Act and the by-laws. R.S.O. 1980, c. 506, s. 6 (1), *amended*.

(2) Notwithstanding any vacancy in the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board remains in office. R.S.O. 1980, c. 506, s. 6 (2). Vacancies

7.—(1) The directors, except the President and the public directors, shall be elected by the members annually in such manner as the by-laws provide. R.S.O. 1980, c. 506, s. 7 (3), *amended*. Election of directors

(2) The public directors shall be elected annually by the board of directors at the first meeting of the board following the annual meeting of the Corporation to hold office until the next annual meeting of the Corporation, and any vacancy occurring in the office of the public directors may be filled by the election of another person for the remainder of the term by the directors then in office. R.S.O. 1980, c. 506, s. 7 (2), *part, amended*. Election of public directors

(3) A person is not eligible to be a public director if the person is, Eligibility of public directors

(*a*) a member of the Corporation;

(*b*) an associate or insider of a member of the Corporation;

(*c*) a futures member of The Toronto Futures Exchange; or

(*d*) an associate or insider of a futures member of The Toronto Futures Exchange. R.S.O. 1980, c. 506, s. 7 (2), *part, amended*.

(4) No person shall be elected as a public director unless the person's nomination for election is approved by the Lieutenant Governor in Council on the recommendation of the President of the Corporation. R.S.O. 1980, c. 506, s. 7 (2), *part, amended*. Idem

(5) The directors of the Corporation in office immediately before this Act comes into force shall be deemed to be the directors elected under subsections (1) and (2) and shall remain in office until the first annual meeting of the Corporation held after this Act comes into force. *New*. Continuation of directors

8.—(1) The chairman and every vice-chairman of the board of directors shall be elected by the board of directors. *New*. Election of chairman, vice-chairman

(2) The President of the Corporation shall be appointed by the board of directors. R.S.O. 1980, c. 506, s. 7 (1), *part*. Appointment of President

(3) A person is not eligible to be the President if the person is, Eligibility

(*a*) a member of the Corporation;

(*b*) an associate or insider of a member of the Corporation;

(*c*) a futures member of The Toronto Futures Exchange; or

(*d*) an associate or insider of a member of The Toronto Futures Exchange. *New*.

Removal of President

(4) The President may be removed from office by the board of directors upon a vote of two-thirds of the directors then in office. R.S.O. 1980, c. 506, s. 7 (1), *part, amended*.

Officers

(5) Every officer of the Corporation, except the chairman and any vice-chairman of the board of directors, the President, the secretary and the treasurer, shall be appointed by the President with the approval of the board of directors. R.S.O. 1980, c. 506, s. 8 (1), *amended*.

Idem

(6) No officer of the Corporation, except the chairman and any vice-chairman of the board of directors, the President, the secretary and the treasurer, shall be a director or member of the Corporation. R.S.O. 1980, c. 506, s. 8 (2), *amended*.

Duty of President

9. The President shall be the chief executive officer of the Corporation. R.S.O. 1980, c. 506, s. 9, *amended*.

Power of board

10.—(1) For the purposes of the object of the Corporation, the board of directors has the power to govern and regulate,

(*a*) the exchange;

(*b*) the partnership and corporate arrangements of the members and other persons authorized to trade on the exchange, including requirements as to financial condition; and

(*c*) the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business,

R.S.O. 1980, c. 95

and, in the exercise of such powers and in addition to their power to pass by-laws under Part III of the *Corporations Act*, the board of directors may pass such by-laws and make such rules and regulations and issue such orders and directions pursuant to such by-laws as it considers necessary for the purpose, including the imposition of penalties and forfeitures for the breach of any such by-law, rule, regulation, direction or order. R.S.O. 1980, c. 506, s. 10.

(2) If the board of directors passes a by-law that provides for the making of an order restricting or suspending the privileges of a member before a hearing of the matter is held, the by-law shall provide that any such restriction or suspension shall be imposed only where the board of directors considers it necessary for the protection of the public interest and that the restriction or suspension shall expire fifteen days after the date on which the order was made unless a hearing is held within that period of time to confirm or set aside the order. Immediate restriction or suspension

(3) The board of directors may pass by-laws delegating to one or more persons or committees the power of the board of directors, Delegation of powers

(*a*) to consider, hold hearings and make determinations regarding applications for any acceptance, approval, registration or authorization and to impose terms and conditions on any such acceptance, approval, registration or authorization;

(*b*) to investigate and examine the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business; and

(*c*) to hold hearings, make determinations and impose discipline on members and persons referred to in clause (*b*) in matters related to business conduct,

subject to such limitations, restrictions, conditions and requirements as the board of directors may set out in the by-laws. *New*.

11. A meeting of the board of directors or of any committee established by the board of directors may be held by means of telephone, electronic or other communication facilities if, Meetings by telephone, etc.

(*a*) the telephone, electronic or other communication facilities permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously; and

(*b*) all of the directors or committee members, as the case may be, participating in the meeting consent,

and a person participating in such a meeting by such means shall be deemed to be present at the meeting. *New*.

12. The Corporation may acquire by purchase, lease or otherwise, and may hold for any period of time any land or Power to hold land

interest therein whether or not such land or interest is necessary for its actual use or occupation. *New.*

Application of R.S.O. 1980, c. 95

13. The *Corporations Act,* except sections 131, 276 and 312, applies to the Corporation, except,

(*a*) to the extent that the provisions thereof are inconsistent with this Act;

(*b*) that a public director may not be removed from office under section 67 of that Act; and

(*c*) that the by-laws of the Corporation may,

(i) fix the class or classes of persons who may be appointed by a proxy to attend and act at meetings as nominees of members but one such class shall be members,

(ii) provide for and regulate the admission of members, including the requiring of approval by the directors or members, or both, at meetings or individually, and the manner in which such approval is to be given, and

(iii) fix the quorum for meetings of the board at four or any larger number of directors as specified in the by-laws. R.S.O. 1980, c. 506, s. 11, *amended.*

Powers of Ontario Securities Commission R.S.O. 1980, c. 466

14. Nothing in this Act shall be construed to derogate from the powers of the Ontario Securities Commission under the *Securities Act* or any other Act. R.S.O. 1980, c. 506, s. 12.

R.S.O. 1980, c. 506, repealed

15. The *Toronto Stock Exchange Act,* being chapter 506 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the *Toronto Stock Exchange Act, 1981.*

An Act to revise the
Toronto Stock Exchange Act

1st Reading

December 8th, 1981

2nd Reading

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

(*Government Bill*)

1981

BILL 190 Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to incorporate The Toronto Futures Exchange

The Hon. G. W. Walker
Minister of Consumer and Commercial Relations

TORONTO
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Explanatory Note

The purpose of the Bill is to create a commodity futures exchange operated by a corporation without share capital to be known as The Toronto Futures Exchange. The statutory provisions that govern the establishment and operation of The Toronto Futures Exchange are similar to the provisions of the *Toronto Stock Exchange Act, 1981* (Bill 189). The Board of Governors of The Toronto Futures Exchange will consist of eleven members, of whom five will be elected by members of the Futures Exchange, three will be elected by The Toronto Stock Exchange, two will be public directors and one will be the President. The Board of Governors has authority to pass by-laws, subject to the provisions of the *Corporations Act,* and the Board has power to discipline its members or to delegate its disciplinary power to a committee established by the Board. The Bill provides that the Futures Exchange may hold property without the limitations contained in the *Corporations Act* and that meetings of the Board and its committees may be held by conference telephone, electronic or other communication facilities. The Bill also provides that the Futures Exchange will be subject to the oversight of the Ontario Securities Commission and the provisions of the *Commodity Futures Act.*

BILL 190 1981

An Act to incorporate The Toronto Futures Exchange

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "associate", "director", "issuer" and "senior officer" have the same meaning as in the *Securities Act*; R.S.O. 1980, c. 466

(*b*) "board of directors" means the board of directors of The Toronto Futures Exchange;

(*c*) "commodity futures contract" and "commodity futures option" have the same meaning as in the *Commodity Futures Act*; R.S.O. 1980, c. 78

(*d*) "Corporation" means The Toronto Futures Exchange;

(*e*) "exchange" means the exchange operated by the Corporation;

(*f*) "futures member" means a member of The Toronto Futures Exchange who conducts the business of trading commodity futures contracts and commodity futures options and who is admitted to membership in accordance with the by-laws;

(*g*) "insider" means,

(i) every director or senior officer of an issuer,

(ii) every director or senior officer of a company that is itself an insider or subsidiary of an issuer,

(iii) any person or company who beneficially owns, directly or indirectly, voting securities of an issuer or who exercises control or direction over

voting securities of an issuer or a combination of both carrying more than 10 per cent of the voting rights attached to all voting securities of the issuer for the time being outstanding other than voting securities held by the person or company as underwriter in the course of a distribution, and

(iv) an issuer where it has purchased, redeemed or otherwise acquired any of its securities, for so long as it holds any of its securities;

(*h*) "public director" means a member of the board of directors elected under subsection 8 (3);

(*i*) "sponsor member" means The Toronto Stock Exchange, and any other stock exchange, securities exchange, commodities exchange, association of securities or commodities dealers or similar organization that is admitted to membership in accordance with the by-laws.

Corporation established

2. There is hereby established a corporation without share capital under the name of "The Toronto Futures Exchange".

Head office

3. The head office of the Corporation shall be situate in The Municipality of Metropolitan Toronto.

Object

4.—(1) The object of the Corporation is to operate an exchange in Ontario for trading in commodity futures contracts and commodity futures options by the members of the Corporation and other persons authorized under subsection (2).

Trading by non-members

(2) The board of directors may authorize persons other than members to trade on the exchange, subject to such terms and conditions as are imposed by the board of directors.

Compliance with R.S.O. 1980, c. 78

(3) The Corporation shall operate the exchange in a manner that does not contravene the requirements of the *Commodity Futures Act,* the regulations made thereunder, and any decision of the Ontario Securities Commission made under that Act and regulations, and the Corporation may impose any additional or higher requirement within its jurisdiction.

Non-profit

5. The Corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the Corporation shall be used in promoting its object.

Membership

6. The membership of the Corporation shall be composed of futures members, sponsor members and such other classes of membership as the by-laws provide.

7.—(1) The affairs of the Corporation shall be managed by a board of directors, who may be referred to as governors, consisting of, Board of directors

(*a*) the President of the Corporation;

(*b*) two public directors; and

(*c*) eight other directors elected by the members in accordance with this Act and the by-laws.

(2) Where a vacancy occurs on the board of directors, the remaining directors may exercise all the powers of the board so long as a quorum of the board of directors remains in office. Vacancies

8.—(1) The directors, except the President and the public directors, shall be elected by the members annually in such manner as the by-laws provide except that three directors shall be elected by the sponsor members and, subject to subsection (2), five directors shall be elected by the futures members of the Corporation. Election of directors

(2) Where the class of futures members includes a group of one or more futures members who are not members of The Toronto Stock Exchange or affiliates, associates or insiders of a member of The Toronto Stock Exchange, one of the five directors elected by futures members shall be elected by a majority of the votes cast by the futures members that form the group. Idem

(3) The public directors shall be elected annually by the board of directors at the first meeting of the board following the annual meeting of the Corporation, to hold office until the next annual meeting of the Corporation, and any vacancy occurring in the office of the public directors may be filled by the election of another person for the remainder of the term by the directors then in office. Election of public directors

(4) A person is not eligible to be a public director if the person is, Eligibility of public directors

(*a*) a futures member of the Corporation;

(*b*) an associate or insider of a futures member of the Corporation;

(*c*) a member of The Toronto Stock Exchange; or

(*d*) an associate or insider of a member of The Toronto Stock Exchange.

Idem

(5) No person shall be elected as a public director unless the person's nomination for election is approved by the Lieutenant Governor in Council on the joint recommendation of the President of the Corporation and the chairman of the Board of Directors of The Toronto Stock Exchange.

First board of directors

(6) Notwithstanding subsection 7 (1) or subsections (1) to (5) of this section, the first board of directors shall consist of five persons appointed by the Lieutenant Governor in Council on the recommendation of the Board of Directors of The Toronto Stock Exchange who shall hold office until the board of directors is reconstituted in accordance with this Act.

First meeting

(7) The first board of directors shall call a meeting of the members within three months of the coming into force of this Act for the purpose of reconstituting the board of directors in accordance with this Act.

Election of chairman, vice-chairman

9.—(1) The chairman and every vice-chairman of the board of directors shall be elected by the board of directors.

Appointment of President

(2) The President of the Corporation shall be appointed by the board of directors and shall be a person nominated by the Board of Directors of The Toronto Stock Exchange.

Eligibility for appointment

(3) A person is not eligible to be the President if the person is,

(*a*) a futures member of the Corporation;

(*b*) an associate or insider of a futures member of the Corporation;

(*c*) a member of The Toronto Stock Exchange; or

(*d*) an associate or insider of a member of The Toronto Stock Exchange.

Removal of President

(4) The President may be removed from office by the board of directors upon a vote of two-thirds of the directors then in office.

Officers

(5) Each officer of the Corporation, except the chairman and any vice-chairman of the board of directors, the President, the secretary and the treasurer, shall be appointed by the President with the approval of the board of directors.

Idem

(6) No officer of the Corporation, except the chairman and any vice-chairman of the board of directors, the President, the secretary and the treasurer, shall be a director or member of the Corporation.

10. The President shall be the chief executive officer of the Corporation. Duty of President

11.—(1) For the purposes of the object of the Corporation, the board of directors has the power to govern and regulate, Power of board

(*a*) the exchange;

(*b*) the partnership and corporate arrangements of the members and other persons authorized to trade on the exchange, including requirements as to financial condition; and

(*c*) the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business,

and, in the exercise of such powers and in addition to their power to pass by-laws under Part III of the *Corporations Act*, the board of directors may pass such by-laws and make such rules and regulations and issue such orders and directions pursuant to such by-laws as it considers necessary for the purpose, including the imposition of penalties and forfeitures for the breach of any such by-law, rule, regulation, direction or order. R.S.O. 1980, c. 95

(2) If the board of directors passes a by-law that provides for the making of an order restricting or suspending the privileges of a member before a hearing of the matter is held, the by-law shall provide that any such restriction or suspension shall be imposed only where the board of directors considers it necessary for the protection of the public interest and that the restriction or suspension shall expire fifteen days after the date on which the order was made unless a hearing is held within that period of time to confirm or set aside the order. Immediate restriction or suspension

(3) The board of directors may pass by-laws delegating to one or more persons or committees the power of the board of directors, Delegation of powers

(*a*) to consider, hold hearings and make determinations regarding applications for any acceptance, approval, registration or authorization and to impose terms and conditions on any such acceptance, approval, registration or authorization;

(*b*) to investigate and examine the business conduct of members and other persons authorized to trade on the exchange and of their employees and agents and other persons associated with them in the conduct of business; and

(*c*) to hold hearings, make determinations and impose suspensions or other discipline on members and persons referred to in clause (*b*) in matters related to business conduct,

subject to such limitations, restrictions, conditions and requirements as the board of directors may set out in the by-laws.

Meetings by telephone, etc.

12. A meeting of the board of directors or of any committee established by the board of directors may be held by means of telephone, electronic or other communication facilities if,

(*a*) the telephone, electronic or other communication facilities permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously; and

(*b*) all of the directors or committee members, as the case may be, participating in the meeting consent,

and a person participating in such a meeting by such means shall be deemed to be present at the meeting.

Power to hold land

13. The Corporation may acquire by purchase, lease or otherwise, and may hold for any period of time any land or interest therein whether or not such land or interest is necessary for its actual use or occupation.

Application of R.S.O. 1980, c. 95

14. The *Corporations Act,* except sections 131, 276 and 312, applies to the Corporation, except,

(*a*) to the extent that the provisions thereof are inconsistent with this Act;

(*b*) that a public director may not be removed from office under section 67 of that Act; and

(*c*) that the by-laws of the Corporation may,

(i) fix the class or classes of persons who may be appointed by a proxy to attend and act at meetings as nominees of futures members provided that one such class shall be futures members,

(ii) provide for and regulate the admission of members, including the requiring of approval by the directors or members, or both, at meetings or individually, and the manner in which such approval is to be given, and

(iii) fix the quorum for meetings of the board at four or any larger number of directors as specified in the by-laws.

Powers of Ontario Securities Commission

15. Nothing in this Act shall be construed to derogate from the powers of the Ontario Securities Commission under the *Commodity Futures Act* or any other Act.

R.S.O. 1980, c. 78

Commencement

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the *Toronto Futures Exchange Act, 1981*.

An Act to incorporate
The Toronto Futures Exchange

1st Reading

December 8th, 1981

2nd Reading

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

(*Government Bill*)

1981

BILL 191 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Municipality of Metropolitan Toronto Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
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Explanatory Notes

The purpose of this Bill is to permit those parts of the Toronto Islands now being used for residential purposes to continue to be used for such purposes until the 31st day of July, 2005.

Section 1. The *Municipality of Metropolitan Toronto Act* now provides that if lands on Toronto Islands are not used for parks purposes, the ownership of such lands is transferred from Metropolitan Toronto to the City of Toronto. The proposed re-enactment of subsection 215 (5) enables the lands on Ward's Island and Algonquin Island to be used for residential purposes until the 31st day of July, 2005, while preserving ownership of these lands in the Metropolitan Corporation.

Section 2. This section enacts sections 215*a*, 215*b* and 215*c*, which provide as follows:

Section 215*a*.—Subsection 1. The Metropolitan Corporation will be deemed to have leased and assigned to the City of Toronto the lands on Algonquin Island and Ward's Island now used for residential purposes.

Subsections 2, 3. The rent under the lease and assignment will be at market value and will be recalculated at five-year intervals. If the parties are unable to agree on the rent, then it will be determined by arbitration.

BILL 191 1981

An Act to amend the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 215 (5) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 215 (5), re-enacted

(5) If any of the lands vested by this section in the Metropolitan Corporation and any land comprising Toronto Islands, that is hereafter conveyed by The Toronto Harbour Commissioners to the Metropolitan Corporation, ceases to be used for any of the purposes of section 206, the Metropolitan Corporation shall thereupon transfer the land to the City of Toronto and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof, but this subsection does not apply to any land as long as it is the subject of the lease and assignment under subsection 215*a*(1) or 215*b*(1). Lands not used for park purposes

2. The said Act is amended by adding thereto the following sections: ss. 215*a*-215*c*, enacted

215*a*.—(1) Notwithstanding subsection 215 (1), all the right, title and interest of the Metropolitan Corporation, existing on the day this section comes into force or acquired thereafter, in the lands and structures on Algonquin Island and Ward's Island in the City of Toronto that are described in the Schedule hereto is hereby deemed to have been leased and assigned by the Metropolitan Corporation to the City of Toronto, from the day this section comes into force until the 31st day of July, 2005 and the City of Toronto may lease the lands and structures to occupants for residential purposes until the 31st day of July, 2005. Lease and assignment of residential lands

(2) The rent under the lease and assignment referred to in subsection (1) shall be at amounts, paid annually, equal to the market value rent and calculated as though the lands could legally be built upon and used for the purpose of the structures thereon Rent

and as if the lands were fully serviced and having regard to th duration of the term of the lease and assignment.

Idem

(3) The rent referred to in subsection (2) shall be calculated an agreed upon initially for a five-year period beginning on the da this section comes into force and shall be recalculated and agree upon at five-year intervals thereafter and if the Metropolita Corporation and the City of Toronto are unable to agree on th initial rent or recalculated rent within sixty days of the coming int force of this Act or the expiration of any five-year period, as th case may be, the rent shall be determined by arbitration in acco dance with subsection (2).

Taxes and public utility rates

(4) Notwithstanding any general or special Act, the Me ropolitan Corporation shall not be liable for any outstandin arrears of taxes or public utilities rates with respect to the lanc referred to in subsection (1) of this section or subsection 215*b*(that accrued prior to the day this section comes into force or f taxes or public utilities rates that are imposed or that accru during the period that the lands are the subject of the lease an assignment under subsection (1) of this section or subsectio 215*b*(1).

Leases, etc., void R.S.O. 1980, c. 232

(5) All leases, including any tenancy agreement within th meaning of Part IV of the *Landlord and Tenant Act,* licences occupation and land use permits entered into, with respect to th lands referred to in subsection (1),

(*a*) before the 31st day of August, 1975 are hereby confirme to be void as of that day; and

(*b*) on or after the 31st day of August, 1975 and before t day this section comes into force are hereby declared be void,

but this subsection does not affect the interest of the City Toronto under an agreement dated the 26th day of Decembe 1911 with The Toronto Harbour Commissioners.

Assignment of rights

(6) All rights of the Metropolitan Corporation to possession the lands referred to in subsection (1) of this section and in subse tion 215*b* (1), under the writs of possession referred to in *T Toronto Islands Act, 1980*, are assigned to the City of Toront

1980, c. 60

Leases to occupants

(7) An occupant may apply to the City of Toronto for a lease the lands and structures in which the occupant resided or respect of which the occupant had a leasehold interest, and t City of Toronto may offer a lease of those lands and structures f a term not exceeding three years, to be used during the term of t lease or any renewal thereof as the principal residence of t occupant, and the lease shall be subject to terms and conditio

Subsection 4. Self-explanatory.

Subsection 5. This subsection has the effect of confirming the decision of the Courts respecting the right of the Metropolitan Corporation to possession of the lands referred to in subsection (1) and it also declares void leases, licences of occupation and land use permits entered into since the 31st day of August, 1975.

Subsection 6. Self-explanatory.

Subsection 7. Occupants, as defined in subsection (18), may apply for leases of the residential premises on the Toronto Islands. The residential premises leased by an occupant are to be used as the occupant's principal residence. If the City and an occupant cannot agree on the rent, it will be determined by arbitration.

Subsections 8 to 12. Self-explanatory.

including rights of renewal for further terms not exceeding three years, rent and compliance with housing standards, set by the City of Toronto, but if the parties fail to agree on the amount of the rent, the rent shall be determined by arbitration, having regard to the rent to be paid by the City of Toronto to the Metropolitan Corporation under the lease and assignment referred to in subsection (1) and having regard to the costs of the City of Toronto related to the lands and structures that are the subject of the lease to the occupant.

Priority as between classes of occupants

(8) Where more than one occupant applies under subsection (7) for a lease of the same lands and structures and the City of Toronto and the occupants are unable to agree as to the occupant who is entitled to enter into a lease with the City of Toronto, and,

(*a*) one of the applicants was the occupant, as defined in clause (18) (*a*), of the lands and structures that are the subject-matter of the application, that applicant shall be the occupant entitled to enter into the lease with the City of Toronto, unless prior to the coming into force of this Act the applicant sold his interest in the lands and structures; or

(*b*) none of the applicants is the occupant entitled to a lease under clause (*a*), the decision as to who is the occupant entitled to enter into the lease shall be determined by the City of Toronto, having regard to the age of the occupant, his length of residence on the lands referred to in subsection (1) and any other factors considered relevant by the City of Toronto.

Payment of arrears of rent, taxes and public utility rates

(9) As a condition of,

(*a*) the execution of a lease under subsection (7) or (12), the occupant shall pay,

(i) to the Metropolitan Corporation all taxes and public utilities rates paid by the Metropolitan Corporation to the City of Toronto before the day this Act comes into force, and all outstanding arrears of rent and occupation rent, and

(ii) to the City of Toronto all outstanding arrears of taxes and public utilities rates,

attributable to the lands and structures which are the subject-matter of the lease between the occupant and the City of Toronto, together with interest thereon at the maximum rate provided for under the *Municipal Act* in respect of taxes due and unpaid; and

R.S.O. 1980, c. 302

(*b*) the renewal of a lease under subsection (7) or (12), the occupant shall make a declaration as of the date of the renewal that the occupant is using the leased lands and structures as his principal residence and the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

Assignments, subleases, etc., prohibited

(10) Notwithstanding any general or special Act, no occupant may grant an assignment, sublease or licence of occupation with respect to any lands and structures leased to the occupant under this section and where an occupant purports to grant an assignment, sublease or licence of occupation, the grant is void and of no effect.

Deemed termination

(11) Where the occupant or, following the death of an occupant during the term of a lease under subsection (7) or (12) or a renewal thereof, the occupant's spouse, as defined in section 14 of the *Family Law Reform Act,* ceases to occupy the lands and structures that are the subject-matter of a lease entered into with the City of Toronto as his principal residence, the lease between the occupant and the City of Toronto shall be deemed to be terminated and the City of Toronto may then lease the premises to another occupant under subsection (7) and, where more than one occupant applies for a lease of the same lands and structures, subsection (8) applies with necessary modifications.

R.S.O. 1980, c. 152

Leases to other persons

(12) Where no occupant applies for a lease under subsection (7) by the 1st day of July, 1982 or requests a lease from the City of Toronto within thirty days of the termination of a lease under subsection (11), the City of Toronto,

(*a*) if the residential structure complies with the minimum standards by-law of the City of Toronto or if the City brings the structure into compliance with the by-law may lease the lands and structure to another person, who shall be deemed to be an occupant for the purpose of this section; or

(*b*) if the residential structure does not comply with the minimum standards by-law of the City of Toronto and the City is unwilling to bring the structure into compliance with the by-law, shall remove or demolish such structure and shall offer to lease the lands to the Algonquin Island Residents Association or the Ward's Island Residents Association, as may be appropriate, for social and recreational purposes,

upon such terms and conditions as may be agreed upon and failing agreement by arbitration.

Subsections 13 to 16. The Metropolitan Corporation, the City of Toronto and the Toronto Transit Commission are required to maintain, at the City's expense, municipal services including bus and ferry service to the residential community. Sanitary sewer service will be extended to the residential community at the cost of the City. The City may maintain, alter and extend the existing water supply and street lighting systems.

Subsections 17 to 20. Self-explanatory.

(13) The Metropolitan Corporation, the City of Toronto and the Toronto Transit Commission shall maintain the level of municipal services, including bus and ferry service, prevailing in the year 1980, to the lands referred to in subsection (1) of this section and subsection 215*b* (1), but, if a different level of services is provided by the City of Toronto in the city from time to time, such different level of services may be provided. Municipal services

(14) The passenger fare charged for ferry service during a winter season shall not exceed the fare prevailing for ferry service throughout the immediately preceding summer season except with the consent of the City of Toronto and, in this subsection, Fare structure

(*a*) "summer season" means the period from the 1st day of May in any year to the 30th day of August in that year;

(*b*) "winter season" means the period from the 1st day of September in any year to the 30th day of April in the next following year.

(15) The Metropolitan Corporation shall, at the cost of the City of Toronto, extend the sanitary sewer system on the Toronto Islands to serve the lands referred to in subsection (1) of this section and subsection 215*b* (1) and the City of Toronto shall construct and maintain sanitary sewers and may maintain, alter and extend the existing water supply and street lighting systems within the lands. Sanitary sewers

(16) The City of Toronto shall pay to the Metropolitan Corporation annually such amount for expenditures made, including capital costs, or deficits incurred by the Metropolitan Corporation with respect to the provision of municipal services, including bus, ferry and sewer service, by the Metropolitan Corporation to the lands referred to in subsection (1) of this section and subsection 215*b* (1) as may be agreed upon by the Metropolitan Corporation and the City of Toronto, having regard to the degree to which such expenditures or deficits are attributable to the use of the lands and structures referred to in the said subsections, and having regard to the duration of the term of the lease and assignment under the said subsections, or, failing such agreement, as determined by arbitration. Payment for services

(17) Parts I, II and III of the *Landlord and Tenant Act* apply to every lease entered into under this section and the *Residential Tenancies Act* and section 2 and Part IV of the *Landlord and Tenant Act* do not apply thereto but the City of Toronto shall not distrain for default in the payment of rent. Application of R.S.O. 1980, cc. 232, 452

(18) In this section, "occupant" means, Interpretation

(*a*) a person who on or before the 19th day of October, 1978 attained the age of majority and who on that day had a claim in land on Algonquin Island or Ward's Island in the City of Toronto under a lease which existed on the 1st day of January, 1956 or a renewal or extension thereof;

(*b*) a person who on or before the 9th day of March, 1981 attained the age of majority and who at any time between the 19th day of October, 1978 and the 9th day of March, 1981 was ordinarily resident on Algonquin Island or Ward's Island in the City of Toronto.

Arbitration R.S.O. 1980, c. 25

(19) The *Arbitrations Act* applies, with necessary modifications, to an arbitration under this section and section 215*b* and the arbitration shall be before a single arbitrator.

Housing standards

(20) The Metropolitan Corporation is not required to meet housing standards imposed under any Act with respect to any structure that is the subject-matter of a lease under this section or under section 215*b* and is not responsible for the repair or replacement of any such structure.

Lease and assignment of lands used for recreational and social purposes

215*b*.—(1) The Metropolitan Corporation is hereby deemed to have leased and assigned to the City of Toronto, from the day this section comes into force, until the 31st day of July, 2005, the lands and structures on Algonquin Island and Ward's Island being occupied and used by the associations known as the Algonquin Island Residents Association and the Ward's Island Residents Association on the 19th day of October, 1979 for recreational and social purposes, at an amount equal to their market value rent, having regard for the duration of the term of the lease and assignment and for the recreational and social purposes for which the lands are to be used, as agreed upon by the Metropolitan Corporation and the City of Toronto or, failing such agreement, as determined by arbitration.

Leases to residents associations

(2) The City of Toronto shall offer a lease of the lands and structures referred to in subsection (1) to the associations known as the Algonquin Island Residents Association and the Ward's Island Residents Association, to be used during the term of the lease for recreational and social purposes, and the lease shall be subject to terms and conditions, including rent, set by the City of Toronto, but if the parties fail to agree on the amount of the rent, the rent shall be determined by arbitration, having regard to the rent to be paid by the City of Toronto to the Metropolitan Corporation under the lease referred to in subsection (1) and having regard to the costs of the City of Toronto related to the lands and structures that are the subject-matter of the lease to the association.

SECTION 215*b*. The Metropolitan Corporation will be deemed to have leased and assigned to the City of Toronto the lands now occupied and used for recreational and social purposes by the named residents' associations. The City is required to lease the said lands to the associations.

SECTION 215*c*. This section enables the Metropolitan Corporation and the City of Toronto to pass by-laws for the purpose of implementing sections 215*a* and 215*b*.

SECTION 3. This section is complementary to the enactment of subsection 215*a*(1).

(3) The associations shall not grant an assignment or sublease with respect to any lands leased under subsection (2), and any such grant is void and of no effect. Assignments and subleases prohibited

215*c*. Notwithstanding subsection 19 (1) of the *Planning Act*, the City of Toronto and the Metropolitan Corporation may pass by-laws for the purpose of implementing sections 215*a* and 215*b*. Power to pass by-laws R.S.O. 1980, c. 379

3. The said Act is further amended by adding thereto the following Schedule: Schedule, enacted

SCHEDULE

1. Lands and structures on Ward's Island on Toronto Islands in The Municipality of Metropolitan Toronto to which section 215*a* applies:

1. The residential structures and the lands occupied by them, located within the parcel of land bounded by Lenore Avenue, Willow Avenue, Withrow Avenue and Lakeshore Avenue.

2. The residential structures and the lands occupied by them on the southwesterly side of Lenore Avenue, on the northwesterly side of Willow Avenue and on the southwesterly side of Withrow Avenue west of Willow Avenue.

3. The residential structures and the lands occupied by them, located within the parcel of land bounded by First Avenue, Lakeshore Avenue, Fifth Avenue, Channel Avenue from its intersection with Fifth Avenue to its intersection with Sixth Avenue, Sixth Avenue, Bayview Avenue, Third Avenue, and Channel Avenue from its intersection with Third Avenue to its intersection with First Avenue.

4. The residential structures and the lands occupied by them on the northeasterly side of Third Avenue northwesterly of Channel Avenue and on the northwesterly side of Channel Avenue northeast of Third Avenue.

5. All avenues on the said Island lying northerly of the southerly limit of the southeasterly prolongation of Ojibway Avenue from Algonquin Island.

2. Lands and structures on Algonquin Island on Toronto Islands in The Municipality of Metropolitan Toronto to which section 215*a* applies:

1. The residential structures and the lands occupied by them, lying north of the southerly limit of Wyandot Avenue and the southeasterly and northwesterly prolongations thereof, except those lands leased and occupied by the Queen City Yacht Club.

2. All the avenues on the said Island.

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1981*. Short title

An Act to amend the Municipality of Metropolitan Toronto Act

1st Reading

December 9th, 1981

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(*Government Bill*)

1981

BILL 191 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Municipality of Metropolitan Toronto Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO
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Explanatory Notes

The purpose of this Bill is to permit those parts of the Toronto Islands now being used for residential purposes to continue to be used for such purposes until the 31st day of July, 2005.

Section 1. The *Municipality of Metropolitan Toronto Act* now provides that if lands on Toronto Islands are not used for parks purposes, the ownership of such lands is transferred from Metropolitan Toronto to the City of Toronto. The proposed re-enactment of subsection 215 (5) enables the lands on Ward's Island and Algonquin Island to be used for residential purposes until the 31st day of July, 2005, while preserving ownership of these lands in the Metropolitan Corporation.

Section 2. This section enacts sections 215*a*, 215*b* and 215*c*, which provide as follows:

Section 215*a*.—Subsection 1. The Metropolitan Corporation will be deemed to have leased and assigned to the City of Toronto the lands on Algonquin Island and Ward's Island now used for residential purposes together with certain avenues and vacant lands on those islands.

Subsections 2-4. The rent with respect to the residential lands and structures under the lease and assignment will be at market value and will be recalculated at five-year intervals. If the parties are unable to agree on the rent, then it will be determined by arbitration. Only a nominal rent will be charged with respect to the avenues and vacant lands.

BILL 191 1981

An Act to amend the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 215 (5) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 215 (5), re-enacted

(5) If any of the lands vested by this section in the Metropolitan Corporation and any land comprising Toronto Islands, that is hereafter conveyed by The Toronto Harbour Commissioners to the Metropolitan Corporation, ceases to be used for any of the purposes of section 206, the Metropolitan Corporation shall thereupon transfer the land to the City of Toronto and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof, but this subsection does not apply to any land as long as it is the subject of the lease and assignment under subsection 215*a*(1) or 215*b*(1). Lands not used for park purposes

2. The said Act is amended by adding thereto the following sections: ss. 215*a*-215*c*, enacted

215*a*.—(1) Notwithstanding subsection 215 (1), all the right, title and interest of the Metropolitan Corporation, existing on the day this section comes into force or acquired thereafter, in the lands and structures, avenues and vacant lands on Algonquin Island and Ward's Island in the City of Toronto that are described in the Schedule hereto is hereby deemed to have been leased and assigned by the Metropolitan Corporation to the City of Toronto, from the day this section comes into force until the 31st day of July, 2005 and the City of Toronto may lease the lands and structures to occupants for residential purposes until the 31st day of July, 2005. Lease and assignment of residential lands

(2) The rent under the lease and assignment referred to in subsection (1) shall be at amounts, paid annually, equal to the market value rent and calculated as though the lands could legally be built upon and used for the purpose of the structures thereon Rent

and having regard to the level of services supplied to the lands o the 9th day of December, 1981 and the duration of the term of th lease and assignment, but for the purpose of calculating the ma ket value rent, no consideration shall be given to either the valu of improvements made to the structures after the 31st day August, 1975 or the provision of further services to the lands aft the 9th day of December, 1981.

Idem

(3) The rent referred to in subsection (2) shall be calculated an agreed upon initially for a five-year period beginning on the da this section comes into force and shall be recalculated and agre upon at five-year intervals thereafter and if the Metropolita Corporation and the City of Toronto are unable to agree on th initial rent or recalculated rent within sixty days of the coming in force of this Act or the expiration of any five-year period, as th case may be, the rent shall be determined by arbitration in acco dance with subsection (2).

Avenues and vacant lands

(4) Notwithstanding subsections (2) and (3), the rent wi respect to all of the avenues and vacant lands under the lease an assignment referred to in subsection (1) shall be $1 per year and th vacant lands shall be used only for parks and recreational pu poses and no buildings or structures shall be erected on the vaca lands.

Taxes and public utility rates

(5) Notwithstanding any general or special Act, the Me ropolitan Corporation shall not be liable for any outstandi arrears of taxes or public utilities rates with respect to the lan referred to in subsection (1) of this section or subsection 215*b* that accrued prior to the day this section comes into force or t taxes or public utilities rates that are imposed or that accr during the period that the lands are the subject of the lease a assignment under subsection (1) of this section or subsecti 215*b* (1).

Leases, etc., void R.S.O. 1980, c. 232

(6) All leases, including any tenancy agreement within t meaning of Part IV of the *Landlord and Tenant Act*, licences occupation and land use permits entered into, with respect to t lands referred to in subsection (1),

(*a*) before the 31st day of August, 1975 are hereby confirm to be void as of that day; and

(*b*) on or after the 31st day of August, 1975 and before t day this section comes into force are hereby declared be void,

but this subsection does not affect the interest of the City Toronto under an agreement dated the 26th day of Decemb 1911 with The Toronto Harbour Commissioners.

Subsection 5. Self-explanatory.

Subsection 6. This subsection has the effect of confirming the decision of the Courts respecting the right of the Metropolitan Corporation to possession of the lands referred to in subsection (1) and it also declares void leases, licences of occupation and land use permits entered into since the 31st day of August, 1975.

Subsection 7. Self-explanatory.

Subsection 8. Occupants, as defined in subsection (19), may apply for leases of the residential premises on the Toronto Islands. The residential premises leased by an occupant are to be used as the occupant's principal residence. If the City and an occupant cannot agree on the rent, it will be determined by arbitration.

Subsections 9 to 13. Self-explanatory.

(7) All rights of the Metropolitan Corporation to possession of the lands referred to in subsection (1) of this section and in subsection 215 *b* (1), under the writs of possession referred to in *The Toronto Islands Act, 1980,* are assigned to the City of Toronto and when an occupant enters into a lease under this section with respect to particular lands and structures, the writ of possession for those particular lands and structures shall cease to have effect. Assignment of rights 1980, c. 60

(8) An occupant may apply to the City of Toronto for a lease of the lands and structures in which the occupant resided or in respect of which the occupant had a leasehold interest, and the City of Toronto may offer a lease of those lands and structures for a term not exceeding three years, to be used during the term of the lease or any renewal thereof as the principal residence of the occupant, and the lease shall be subject to terms and conditions, including rights of renewal for further terms not exceeding three years, rent and compliance with housing standards, set by the City of Toronto, but if the parties fail to agree on the amount of the rent, the rent shall be determined by arbitration, having regard to the rent to be paid by the City of Toronto to the Metropolitan Corporation under the lease and assignment referred to in subsection (1) and having regard to the costs of the City of Toronto related to the lands and structures that are the subject of the lease to the occupant. Leases to occupants

(9) Where more than one occupant applies under subsection (8) for a lease of the same lands and structures and the City of Toronto and the occupants are unable to agree as to the occupant who is entitled to enter into a lease with the City of Toronto, and, Priority as between classes of occupants

(*a*) only one of the applicants is an occupant, as defined in clause (19) (*a*), of the lands and structures that are the subject-matter of the application, that applicant shall be the occupant entitled to enter into the lease with the City of Toronto;

(*b*) more than one of the applicants is an occupant, as defined in clause (19) (*a*), of the lands and structures that are the subject-matter of the application, the decision as to which of such occupants is the occupant entitled to enter into the lease shall be determined by the City of Toronto, having regard to the age of the occupant, his length of residence on the lands referred to in subsection (1) and any other factors considered relevant by the City of Toronto; or

(*c*) none of the applicants is an occupant entitled to a lease under clause (*a*) or (*b*), the decision as to who is the occupant, as defined in clause (19) (*b*), entitled to enter into the lease shall be determined by the City of

Toronto, having regard to the age of the occupant, his length of residence on the lands referred to in subsection (1) and any other factors considered relevant by the City of Toronto.

Payment of arrears of rent, taxes and public utility rates

(10) As a condition of,

(*a*) the execution of a lease under subsection (8) or (13), the occupant shall pay,

(i) to the Metropolitan Corporation all taxes and public utilities rates paid by the Metropolitan Corporation to the City of Toronto before the day this Act comes into force, and all outstanding arrears of rent and occupation rent, and

(ii) to the City of Toronto all outstanding arrears of taxes and public utilities rates,

attributable to the lands and structures which are the subject-matter of the lease between the occupant and the City of Toronto, together with interest thereon at the maximum rate provided for under a by-law passed under the *Municipal Act* in respect of taxes due and unpaid; and

R.S.O. 1980, c. 302

(*b*) the renewal of a lease under subsection (8) or (13), the occupant shall make a declaration as of the date of the renewal that the occupant is using the leased lands and structures as his principal residence and the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

Assignments, subleases, etc., prohibited

(11) Notwithstanding any general or special Act, no occupant may grant an assignment, sublease or licence of occupation with respect to any lands and structures leased to the occupant under this section and where an occupant purports to grant an assignment, sublease or licence of occupation, the grant is void and of no effect.

Deemed termination

(12) Where the occupant or, following the death of an occupant during the term of a lease under subsection (8) or (13) or a renewal thereof, the occupant's spouse, as defined in section 14 of the *Family Law Reform Act*, ceases to occupy the lands and structures that are the subject-matter of a lease entered into with the City of Toronto as his principal residence, the lease between the occupant and the City of Toronto shall be deemed to be terminated and the City of Toronto may then lease the premises to another occupant under subsection (8) and, where more than one occupant applies for a lease of the same lands and structures, subsection (9) applies with necessary modifications.

R.S.O. 1980, c. 152

Subsections 14 to 17. The Metropolitan Corporation, the City of Toronto and the Toronto Transit Commission are required to maintain, at the City's expense, municipal services including bus and ferry service to the residential community. Sanitary sewer service will be extended to the residential community at the cost of the City. The City may maintain, alter and extend the existing walkways, water supply and street lighting systems.

(13) Where no occupant applies for a lease under subsection (8) by the 1st day of July, 1982 or requests a lease from the City of Toronto within thirty days of the termination of a lease under subsection (12), the City of Toronto, Leases to other persons

(*a*) if the residential structure complies with the minimum standards by-law of the City of Toronto or if the City brings the structure into compliance with the by-law, may lease the lands and structure to another person, who shall be deemed to be an occupant for the purpose of this section; or

(*b*) if the residential structure does not comply with the minimum standards by-law of the City of Toronto and the City is unwilling to bring the structure into compliance with the by-law, shall remove or demolish such structure and shall offer to lease the lands to the Algonquin Island Residents Association or the Ward's Island Residents Association, as may be appropriate, for social and recreational purposes,

upon such terms and conditions as may be agreed upon and failing agreement by arbitration.

(14) The Metropolitan Corporation, the City of Toronto and the Toronto Transit Commission shall maintain the level of municipal services, including bus and ferry service, prevailing in the year 1980, to the lands referred to in subsection (1) of this section and subsection 215*b* (1), but, if a different level of services is provided by the City of Toronto in the city from time to time, such different level of services may be provided. Municipal services

(15) The passenger fare charged for ferry service during a winter season shall not exceed the fare prevailing for ferry service throughout the immediately preceding summer season except with the consent of the City of Toronto and, in this subsection, Fare structure

(*a*) "summer season" means the period from the 1st day of May in any year to the 30th day of August in that year;

(*b*) "winter season" means the period from the 1st day of September in any year to the 30th day of April in the next following year.

(16) The Metropolitan Corporation shall, at the cost of the City of Toronto, extend the sanitary sewer system on the Toronto Islands to serve the lands referred to in subsection (1) of this section and subsection 215*b* (1) and the City of Toronto shall construct and maintain sanitary sewers and may maintain, alter Sanitary sewers

and extend the existing walkway, water supply and street lighting systems within the lands.

Payment for services

(17) The City of Toronto shall pay to the Metropolitan Corporation annually such amount for expenditures made, including capital costs, or deficits incurred by the Metropolitan Corporation on or after the day this section comes into force with respect to the provision of municipal services, including bus, ferry and sewer service, by the Metropolitan Corporation to the lands referred to in subsection (1) of this section and subsection 215*b* (1) as may be agreed upon by the Metropolitan Corporation and the City of Toronto, having regard to the degree to which such expenditures or deficits are attributable to the use of the land and structures referred to in the said subsections, and having regard to the duration of the term of the lease and assignments under the said subsections, or, failing such agreement, as determined by arbitration.

Application of R.S.O. 1980, cc. 232, 452

(18) Parts I, II and III of the *Landlord and Tenant Act* apply to every lease entered into under this section and the *Residential Tenancies Act* and section 2 and Part IV of the *Landlord and Tenant Act* do not apply thereto but the City of Toronto shall not distrain for default in the payment of rent.

Interpretation

(19) In this section, "occupant" means,

(*a*) a person who on or before the 9th day of December 1981 attained the age of majority and who at any time between the 19th day of October, 1978 and the 9th day of December, 1981 was ordinarily resident on Algonquin Island or Ward's Island in the City of Toronto;

(*b*) a person who on or before the 19th day of October 1978 attained the age of majority and who on that day had a claim in land on Algonquin Island or Ward Island in the City of Toronto under a lease which existed on the 1st day of January, 1956 or a renewal or extension thereof unless prior to the coming into force of this section the person sold his interest in the land to which the claim relates.

Arbitration R.S.O. 1980, c. 25

(20) The *Arbitrations Act* applies, with necessary modifications, to an arbitration under this section and section 215*b* and the arbitration shall be before a single arbitrator.

Housing standards

(21) The Metropolitan Corporation is not required to meet housing standards imposed under any Act with respect to a structure that is the subject-matter of a lease under this section or under section 215*b* and is not responsible for the repair or replacement of any such structure.

Subsections 18 to 21. Self-explanatory.

SECTION 215*b*. The Metropolitan Corporation will be deemed to have leased and assigned to the City of Toronto the lands now occupied and used for recreational and social purposes by the named residents' associations. The City is required to lease the said lands to the associations. The City may permit a convenience store to be located in the structure occupied by the Ward's Island Residents Association.

SECTION 215*c*. This section enables the Metropolitan Corporation and the City of Toronto to pass by-laws for the purpose of implementing sections 215*a* and 215*b*.

SECTION 3. This section is complementary to the enactment of subsection 215*a*(1).

Lease and assignment of lands used for recreational and social purposes

215*b*.—(1) The Metropolitan Corporation is hereby authorized to have leased and assigned to the City of Toronto, from the day this section comes into force, until the 31st day of July, 2005, the lands and structures on Algonquin Island and Ward's Island being occupied and used by the associations known as the Algonquin Island Residents Association and the Ward's Island Residents Association on the 19th day of October, 1979 for recreational and social purposes, at an amount equal to their market value rent, having regard for the duration of the term of the lease and assignment and for the recreational and social purposes for which the lands are to be used, as agreed upon by the Metropolitan Corporation and the City of Toronto or, failing such agreement, as determined by arbitration.

Leases to residents associations

(2) The City of Toronto shall offer a lease of the lands and structures referred to in subsection (1) to the associations known as the Algonquin Island Residents Association and the Ward's Island Residents Association, to be used during the term of the lease for recreational and social purposes, and the lease shall be subject to terms and conditions, including rent, set by the City of Toronto, but if the parties fail to agree on the amount of the rent, the rent shall be determined by arbitration, having regard to the rent to be paid by the City of Toronto to the Metropolitan Corporation under the lease referred to in subsection (1) and having regard to the costs of the City of Toronto related to the lands and structures that are the subject-matter of the lease to the association.

Assignments and subleases prohibited

(3) The associations shall not grant an assignment or sublease with respect to any lands leased under subsection (2), and any such grant is void and of no effect.

Convenience store

(4) In addition to the uses permitted by subsection (1), the City of Toronto may, by by-law, permit the structure occupied by the Ward's Island Residents Association to be used for the location and use therein of a convenience store, subject to such terms and conditions as may be set out in the by-law.

Power to pass by-laws R.S.O. 1980, c. 379

215*c*. Notwithstanding subsection 19 (1) of the *Planning Act*, the City of Toronto and the Metropolitan Corporation may pass by-laws for the purpose of implementing sections 215*a* and 215*b*.

Schedule, enacted

3. The said Act is further amended by adding thereto the following Schedule:

SCHEDULE

1. Lands and structures on Ward's Island on Toronto Islands in The Municipality of Metropolitan Toronto to which section 215*a* applies:

1. The residential structures and the lands occupied by them, located within the parcel of land bounded by Lenore Avenue, Willow Avenue, Withrow Avenue and Lakeshore Avenue.

2. The residential structures and the lands occupied by them on the southwesterly side of Lenore Avenue, on the northwesterly side of Willow Avenue and on the southwesterly side of Withrow Avenue west of Willow Avenue.

3. The residential structures and the lands occupied by them, located within the parcel of land bounded by First Avenue, Lakeshore Avenue, Fifth Avenue, Channel Avenue from its intersection with Fifth Avenue to its intersection with Sixth Avenue, Sixth Avenue, Bayview Avenue, Third Avenue, and Channel Avenue from its intersection with Third Avenue to its intersection with First Avenue.

4. The residential structures and the lands occupied by them on the northeasterly side of Third Avenue northwesterly of Channel Avenue and on the northwesterly side of Channel Avenue northeast of Third Avenue.

5. All avenues and vacant lands on the said Island lying northerly of the southerly limit of the southeasterly prolongation of Ojibway Avenue from Algonquin Island.

2. Lands and structures on Algonquin Island on Toronto Islands in The Municipality of Metropolitan Toronto to which section 215*a* applies:

1. The residential structures and the lands occupied by them, lying north of the southerly limit of Wyandot Avenue and the southeasterly and northwesterly prolongations thereof, except those lands leased and occupied by the Queen City Yacht Club.

2. All avenues and vacant lands on the said Island, except those lands leased and occupied by the Queen City Yacht Club.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1981*.

An Act to amend the Municipality of Metropolitan Toronto Act

1st Reading

December 9th, 1981

2nd Reading

December 15th, 1981

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

BILL 191

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Municipality of Metropolitan Toronto Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
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BILL 191 1981

An Act to amend the Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 215 (5) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 215 (5), re-enacted

(5) If any of the lands vested by this section in the Metropolitan Corporation and any land comprising Toronto Islands, that is hereafter conveyed by The Toronto Harbour Commissioners to the Metropolitan Corporation, ceases to be used for any of the purposes of section 206, the Metropolitan Corporation shall thereupon transfer the land to the City of Toronto and no compensation or damages shall be payable to the Metropolitan Corporation in respect thereof, but this subsection does not apply to any land as long as it is the subject of the lease and assignment under subsection 215*a*(1) or 215*b*(1). Lands not used for park purposes

2. The said Act is amended by adding thereto the following sections: ss. 215*a*-215*c*, enacted

215*a*.—(1) Notwithstanding subsection 215 (1), all the right, title and interest of the Metropolitan Corporation, existing on the day this section comes into force or acquired thereafter, in the lands and structures, avenues and vacant lands on Algonquin Island and Ward's Island in the City of Toronto that are described in the Schedule hereto is hereby deemed to have been leased and assigned by the Metropolitan Corporation to the City of Toronto, from the day this section comes into force until the 31st day of July, 2005 and the City of Toronto may lease the lands and structures to occupants for residential purposes until the 31st day of July, 2005. Lease and assignment of residential lands

(2) The rent under the lease and assignment referred to in subsection (1) shall be at amounts, paid annually, equal to the market value rent and calculated as though the lands could legally be built upon and used for the purpose of the structures thereon Rent

and having regard to the level of services supplied to the lands on the 9th day of December, 1981 and the duration of the term of the lease and assignment, but for the purpose of calculating the market value rent, no consideration shall be given to either the value of improvements made to the structures after the 31st day of August, 1975 or the provision of further services to the lands after the 9th day of December, 1981.

Idem

(3) The rent referred to in subsection (2) shall be calculated and agreed upon initially for a five-year period beginning on the day this section comes into force and shall be recalculated and agreed upon at five-year intervals thereafter and if the Metropolitan Corporation and the City of Toronto are unable to agree on the initial rent or recalculated rent within sixty days of the coming into force of this Act or the expiration of any five-year period, as the case may be, the rent shall be determined by arbitration in accordance with subsection (2).

Avenues and vacant lands

(4) Notwithstanding subsections (2) and (3), the rent with respect to all of the avenues and vacant lands under the lease and assignment referred to in subsection (1) shall be $1 per year and the vacant lands shall be used only for parks and recreational purposes and no buildings or structures shall be erected on the vacant lands.

Taxes and public utility rates

(5) Notwithstanding any general or special Act, the Metropolitan Corporation shall not be liable for any outstanding arrears of taxes or public utilities rates with respect to the lands referred to in subsection (1) of this section or subsection 215*b*(1) that accrued prior to the day this section comes into force or for taxes or public utilities rates that are imposed or that accrue during the period that the lands are the subject of the lease and assignment under subsection (1) of this section or subsection 215*b*(1).

Leases, etc., void R.S.O. 1980, c. 232

(6) All leases, including any tenancy agreement within the meaning of Part IV of the *Landlord and Tenant Act*, licences of occupation and land use permits entered into, with respect to the lands referred to in subsection (1),

(*a*) before the 31st day of August, 1975 are hereby confirmed to be void as of that day; and

(*b*) on or after the 31st day of August, 1975 and before the day this section comes into force are hereby declared to be void,

but this subsection does not affect the interest of the City of Toronto under an agreement dated the 26th day of December 1911 with The Toronto Harbour Commissioners.

(7) All rights of the Metropolitan Corporation to possession of the lands referred to in subsection (1) of this section and in subsection 215 *b* (1), under the writs of possession referred to in *The Toronto Islands Act, 1980,* are assigned to the City of Toronto and when an occupant enters into a lease under this section with respect to particular lands and structures, the writ of possession for those particular lands and structures shall cease to have effect. Assignment of rights 1980, c. 60

(8) An occupant may apply to the City of Toronto for a lease of the lands and structures in which the occupant resided or in respect of which the occupant had a leasehold interest, and the City of Toronto may offer a lease of those lands and structures for a term not exceeding three years, to be used during the term of the lease or any renewal thereof as the principal residence of the occupant, and the lease shall be subject to terms and conditions, including rights of renewal for further terms not exceeding three years, rent and compliance with housing standards, set by the City of Toronto, but if the parties fail to agree on the amount of the rent, the rent shall be determined by arbitration, having regard to the rent to be paid by the City of Toronto to the Metropolitan Corporation under the lease and assignment referred to in subsection (1) and having regard to the costs of the City of Toronto related to the lands and structures that are the subject of the lease to the occupant. Leases to occupants

(9) Where more than one occupant applies under subsection (8) for a lease of the same lands and structures and the City of Toronto and the occupants are unable to agree as to the occupant who is entitled to enter into a lease with the City of Toronto, and, Priority as between classes of occupants

(*a*) only one of the applicants is an occupant, as defined in clause (19) (*a*), of the lands and structures that are the subject-matter of the application, that applicant shall be the occupant entitled to enter into the lease with the City of Toronto;

(*b*) more than one of the applicants is an occupant, as defined in clause (19) (*a*), of the lands and structures that are the subject-matter of the application, the decision as to which of such occupants is the occupant entitled to enter into the lease shall be determined by the City of Toronto, having regard to the age of the occupant, his length of residence on the lands referred to in subsection (1) and any other factors considered relevant by the City of Toronto; or

(*c*) none of the applicants is an occupant entitled to a lease under clause (*a*) or (*b*), the decision as to who is the occupant, as defined in clause (19) (*b*), entitled to enter into the lease shall be determined by the City of

Toronto, having regard to the age of the occupant, his length of residence on the lands referred to in subsection (1) and any other factors considered relevant by the City of Toronto.

Payment of arrears of rent, taxes and public utility rates

(10) As a condition of,

(*a*) the execution of a lease under subsection (8) or (13), the occupant shall pay,

(i) to the Metropolitan Corporation all taxes and public utilities rates paid by the Metropolitan Corporation to the City of Toronto before the day this Act comes into force, and all outstanding arrears of rent and occupation rent, and

(ii) to the City of Toronto all outstanding arrears of taxes and public utilities rates,

attributable to the lands and structures which are the subject-matter of the lease between the occupant and the City of Toronto, together with interest thereon at the maximum rate provided for under a by-law passed under the *Municipal Act* in respect of taxes due and unpaid; and

R.S.O. 1980, c. 302

(*b*) the renewal of a lease under subsection (8) or (13), the occupant shall make a declaration as of the date of the renewal that the occupant is using the leased lands and structures as his principal residence and the City of Toronto shall cause a copy of the declaration to be filed with the clerk of the Metropolitan Corporation.

Assignments, subleases, etc., prohibited

(11) Notwithstanding any general or special Act, no occupant may grant an assignment, sublease or licence of occupation with respect to any lands and structures leased to the occupant under this section and where an occupant purports to grant an assignment, sublease or licence of occupation, the grant is void and of no effect.

Deemed termination

(12) Where the occupant or, following the death of an occupant during the term of a lease under subsection (8) or (13) or a renewal thereof, the occupant's spouse, as defined in section 14 of the *Family Law Reform Act*, ceases to occupy the lands and structures that are the subject-matter of a lease entered into with the City of Toronto as his principal residence, the lease between the occupant and the City of Toronto shall be deemed to be terminated and the City of Toronto may then lease the premises to another occupant under subsection (8) and, where more than one occupant applies for a lease of the same lands and structures, subsection (9) applies with necessary modifications.

R.S.O. 1980, c. 152

(13) Where no occupant applies for a lease under subsection (8) by the 1st day of July, 1982 or requests a lease from the City of Toronto within thirty days of the termination of a lease under subsection (12), the City of Toronto, Leases to other persons

(*a*) if the residential structure complies with the minimum standards by-law of the City of Toronto or if the City brings the structure into compliance with the by-law, may lease the lands and structure to another person, who shall be deemed to be an occupant for the purpose of this section; or

(*b*) if the residential structure does not comply with the minimum standards by-law of the City of Toronto and the City is unwilling to bring the structure into compliance with the by-law, shall remove or demolish such structure and shall offer to lease the lands to the Algonquin Island Residents Association or the Ward's Island Residents Association, as may be appropriate, for social and recreational purposes,

upon such terms and conditions as may be agreed upon and failing agreement by arbitration.

(14) The Metropolitan Corporation, the City of Toronto and the Toronto Transit Commission shall maintain the level of municipal services, including bus and ferry service, prevailing in the year 1980, to the lands referred to in subsection (1) of this section and subsection 215*b* (1), but, if a different level of services is provided by the City of Toronto in the city from time to time, such different level of services may be provided. Municipal services

(15) The passenger fare charged for ferry service during a winter season shall not exceed the fare prevailing for ferry service throughout the immediately preceding summer season except with the consent of the City of Toronto and, in this subsection, Fare structure

(*a*) "summer season" means the period from the 1st day of May in any year to the 30th day of August in that year;

(*b*) "winter season" means the period from the 1st day of September in any year to the 30th day of April in the next following year.

(16) The Metropolitan Corporation shall, at the cost of the City of Toronto, extend the sanitary sewer system on the Toronto Islands to serve the lands referred to in subsection (1) of this section and subsection 215*b* (1) and the City of Toronto shall construct and maintain sanitary sewers and may maintain, alter Sanitary sewers

and extend the existing walkway, water supply and street ligh ing systems within the lands.

Payment for services

(17) The City of Toronto shall pay to the Metropolitan Corp ration annually such amount for expenditures made, includi capital costs, or deficits incurred by the Metropolitan Corpo tion on or after the day this section comes into force with resp to the provision of municipal services, including bus, ferry a sewer service, by the Metropolitan Corporation to the lan referred to in subsection (1) of this section and subsection 21 (1) as may be agreed upon by the Metropolitan Corporation a the City of Toronto, having regard to the degree to which su expenditures or deficits are attributable to the use of the lar and structures referred to in the said subsections, and havi regard to the duration of the term of the lease and assignme under the said subsections, or, failing such agreement, as det mined by arbitration.

Application of R.S.O. 1980, cc. 232, 452

(18) Parts I, II and III of the *Landlord and Tenant Act* apply every lease entered into under this section and the *Resident Tenancies Act* and section 2 and Part IV of the *Landlord a Tenant Act* do not apply thereto but the City of Toronto shall t distrain for default in the payment of rent.

Interpretation

(19) In this section, "occupant" means,

(*a*) a person who on or before the 9th day of Decemb 1981 attained the age of majority and who at any ti between the 19th day of October, 1978 and the 9th d of December, 1981 was ordinarily resident on Alg quin Island or Ward's Island in the City of Toron

(*b*) a person who on or before the 19th day of Octob 1978 attained the age of majority and who on that d had a claim in land on Algonquin Island or War Island in the City of Toronto under a lease wh existed on the 1st day of January, 1956 or a renewal r extension thereof unless prior to the coming into fo of this section the person sold his interest in the land which the claim relates.

Arbitration R.S.O. 1980, c. 25

(20) The *Arbitrations Act* applies, with necessary modifi tions, to an arbitration under this section and section 215*b* and e arbitration shall be before a single arbitrator.

Housing standards

(21) The Metropolitan Corporation is not required to m housing standards imposed under any Act with respect to a structure that is the subject-matter of a lease under this sectio under section 215*b* and is not responsible for the repair r replacement of any such structure.

Lease and assignment of lands used for recreational and social purposes

215*b*.—(1) The Metropolitan Corporation is hereby deemed to have leased and assigned to the City of Toronto, from the day this section comes into force, until the 31st day of July, 2005, the lands and structures on Algonquin Island and Ward's Island being occupied and used by the associations known as the Algonquin Island Residents Association and the Ward's Island Residents Association on the 19th day of October, 1979 for recreational and social purposes, at an amount equal to their market value rent, having regard for the duration of the term of the lease and assignment and for the recreational and social purposes for which the lands are to be used, as agreed upon by the Metropolitan Corporation and the City of Toronto or, failing such agreement, as determined by arbitration.

Leases to residents associations

(2) The City of Toronto shall offer a lease of the lands and structures referred to in subsection (1) to the associations known as the Algonquin Island Residents Association and the Ward's Island Residents Association, to be used during the term of the lease for recreational and social purposes, and the lease shall be subject to terms and conditions, including rent, set by the City of Toronto, but if the parties fail to agree on the amount of the rent, the rent shall be determined by arbitration, having regard to the rent to be paid by the City of Toronto to the Metropolitan Corporation under the lease referred to in subsection (1) and having regard to the costs of the City of Toronto related to the lands and structures that are the subject-matter of the lease to the association.

Assignments and subleases prohibited

(3) The associations shall not grant an assignment or sublease with respect to any lands leased under subsection (2), and any such grant is void and of no effect.

Convenience store

(4) In addition to the uses permitted by subsection (1), the City of Toronto may, by by-law, permit the structure occupied by the Ward's Island Residents Association to be used for the location and use therein of a convenience store, subject to such terms and conditions as may be set out in the by-law.

Power to pass by-laws R.S.O. 1980, c. 379

215*c*. Notwithstanding subsection 19 (1) of the *Planning Act*, the City of Toronto and the Metropolitan Corporation may pass by-laws for the purpose of implementing sections 215*a* and 215*b*.

Schedule, enacted

3. The said Act is further amended by adding thereto the following Schedule:

SCHEDULE

1. Lands and structures on Ward's Island on Toronto Islands in The Municipality of Metropolitan Toronto to which section 215*a* applies:

1. The residential structures and the lands occupied by them, located within the parcel of land bounded by Lenore Avenue, Willow Avenue, Withrow Avenue and Lakeshore Avenue.

2. The residential structures and the lands occupied by them on the southwesterly side of Lenore Avenue, on the northwesterly side of Willow Avenue and on the southwesterly side of Withrow Avenue west of Willow Avenue.

3. The residential structures and the lands occupied by them, located within the parcel of land bounded by First Avenue, Lakeshore Avenue, Fifth Avenue, Channel Avenue from its intersection with Fifth Avenue to its intersection with Sixth Avenue, Sixth Avenue, Bayview Avenue, Third Avenue, and Channel Avenue from its intersection with Third Avenue to its intersection with First Avenue.

4. The residential structures and the lands occupied by them on the northeasterly side of Third Avenue northwesterly of Channel Avenue and on the northwesterly side of Channel Avenue northeast of Third Avenue.

5. All avenues and vacant lands on the said Island lying northerly of the southerly limit of the southeasterly prolongation of Ojibway Avenue from Algonquin Island.

2. Lands and structures on Algonquin Island on Toronto Islands in The Municipality of Metropolitan Toronto to which section 215*a* applies:

1. The residential structures and the lands occupied by them, lying north of the southerly limit of Wyandot Avenue and the southeasterly and northwesterly prolongations thereof, except those lands leased and occupied by the Queen City Yacht Club.

2. All avenues and vacant lands on the said Island, except those lands leased and occupied by the Queen City Yacht Club.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1981*.

An Act to amend the Municipality of Metropolitan Toronto Act

1st Reading

December 9th, 1981

2nd Reading

December 15th, 1981

3rd Reading

December 17th, 1981

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

1981

BILL 192 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act respecting the Province of Ontario Savings Office

MR. PHILIP

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill provides for an expanded Province of Ontario Savings Office with the power to make loans and offer financial services as well as receive deposits.

BILL 192 1981

An Act respecting the Province of Ontario Savings Office

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Fund" means the Savings Office Fund;

(*b*) "Minister" means the Minister of Revenue;

(*c*) "Province of Ontario Savings Office" and "Savings Office" mean the savings deposit facility operated under the *Agricultural Development Finance Act*; R.S.O. 1980, c. 10

(*d*) "branch" means a branch of the Savings Office.

2. The Province of Ontario Savings Office is continued under the administration of the Minister. Savings Office continued

3. The Minister may establish and operate branches at such places in Ontario as he may choose. Branches

4.—(1) The Minister may receive moneys on deposit in accordance with the regulations. Deposits

(2) All moneys received on deposit and all moneys held on deposit by the Savings Office on the day this Act comes into force form part of the Fund. Part of Fund

(3) Moneys deposited with the Minister under this Act are subject to attachment in the same manner as moneys deposited in a chartered bank. Deposits subject to attachment

5. The Minister may, Investments and loans

(*a*) invest any moneys in the Fund in such securities and real property as he may choose; and

(*b*) subject to the regulations, lend any moneys in the Fund upon such terms as may be agreed upon by the Minister and the borrower, may take security for any loan and may realize upon any security.

Financial services

6. The Minister may,

(*a*) make contracts with any person for the rental of safety deposit boxes at branches;

(*b*) act as an agent for the sale of Canada Savings Bonds and travellers' cheques; and

(*c*) offer such other financial services as may be prescribed by regulation.

Expenses to be paid from Fund

7.—(1) All expenses of administering this Act, including interest payable on deposits, shall be paid from the Fund.

Surplus

(2) Any surplus in the Fund from time to time may be paid into the Consolidated Revenue Fund.

Annual statements

8. The Minister shall within a reasonable time after the end of each fiscal year prepare and table detailed financial statements for the Fund.

Regulations

9. The Lieutenant Governor in Council may make regulations,

(*a*) fixing the terms and conditions on which deposits are received;

(*b*) governing the making of loans from the Fund and the taking of security;

(*c*) prescribing additional financial services.

R.S.O. 1980, c. 10, repealed

10. The *Agricultural Development Finance Act* is repealed.

Commencement

11. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

12. The short title of this Act is the *Savings Office Act, 1981*.

An Act respecting the [illegible]
Savings Office

1st Reading

December 9th, 1981

2nd Reading

3rd Reading

MR. PHILIP

(*Private Member's Bill*)

1981

BILL 193 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to revise the Reciprocal Enforcement of Maintenance Orders Act

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill is a revision of the *Reciprocal Enforcement of Maintenance Orders Act* and adopts the Uniform Act recommended by the Uniform Law Conference of Canada.

The principal changes are:

1. The choice of laws is simplified by providing that the confirming court apply the law of the originating jurisdiction as revealed by relevant enactments filed with it.

2. The Act is available to a claimant who moves out of the jurisdiction equally as to a respondent.

3. Technical distinctions between confirmed provisional orders and final orders are removed.

4. Reciprocal enforcement of written support agreements is provided for in the same way as court orders for support.

5. Provision is made for reciprocal enforcement to include a finding as to putative fatherhood.

6. Applications for variation or rescission of orders may be made in the local court and reciprocal enforcement procedures apply.

7. A welfare authority may initiate applications where the authority is providing support.

8. Provision is made for statements of payments and arrears of support to be provided by the court in which the order is enforced.

BILL 193 1981

An Act to revise the Reciprocal Enforcement of Maintenance Orders Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Attorney General" includes a person authorized by the Attorney General to act for him in the performance of a power or duty under this Act;

(*b*) "certified copy" means, in relation to a document of a court, the original or a copy of the document certified by the original or facsimile signature of a proper officer of the court to be a true copy;

(*c*) "claimant" means a person who has or is alleged to have a right to maintenance;

(*d*) "confirmation order" means a confirmation order made under this Act or under the corresponding enactment of a reciprocating state;

(*e*) "court" means an authority having jurisdiction to make an order;

(*f*) "final order" means an order made in a proceeding of which the claimant and respondent had proper notice and in which they had an opportunity to be present or represented and includes,

(i) the maintenance provisions in a written agreement between a claimant and a respondent where those provisions are enforceable in the state in which the agreement was made as if contained in an order of a court of that state, and

(ii) a confirmation order made in a reciprocating state;

(*g*) "maintenance" includes support or alimony;

(*h*) "order" means an order or determination of a court providing for the payment of money as maintenance by the respondent named in the order for the benefit of the claimant named in the order, or the maintenance provisions of an order or determination that includes other matters;

(*i*) "provisional order" means an order of a court in Ontario that has no force or effect in Ontario until confirmed by a court in a reciprocating state or a corresponding order made in a reciprocating state for confirmation in Ontario;

(*j*) "reciprocating state" means a state declared under section 19 to be a reciprocating state and includes a province or territory of Canada;

(*k*) "registered order" means,

(i) a final order made in a reciprocating state and filed under this Act with a court in Ontario,

(ii) a final order deemed under subsection 2 (3) to be a registered order, or

(iii) a confirmation order that is filed under subsection 5 (8);

(*l*) "registration court" means the court in Ontario,

(i) in which the registered order is filed under this Act, or

(ii) that deemed a final order to be a registered order under this Act;

(*m*) "respondent" means a person in Ontario or in a reciprocating state who has or is alleged to have an obligation to pay maintenance for the benefit of a claimant, or against whom a proceeding under this Act, or a corresponding enactment of a reciprocating state, is commenced;

(*n*) "state" includes a political subdivision of a state and an official agency of a state.

2.—(1) Where the Attorney General receives a certified copy of a final order made in a reciprocating state with information that the respondent is in Ontario, the Attorney General shall designate a court in Ontario for the purposes of the registration and enforcement of the order and forward the order and supporting material to that court. Final orders of reciprocating state

(2) On receipt of a final order transmitted to a court under subsection (1) or under a provision in a reciprocating state corresponding to clause 5 (8) (*a*), the proper officer of the court shall file the order with the court and give notice of the registration of the order to the respondent. Filing for registration

(3) Where a final order is made in Ontario and the claimant subsequently leaves Ontario and is apparently resident in a reciprocating state, the court that made the order shall, on the written request of the claimant, the respondent or the Attorney General, deem the order to be a registered order. Claimant leaving Ontario after final order made in Ontario

(4) A registered order varied in a manner consistent with this Act continues to be a registered order. Variation of registered order

(5) A respondent may, within one month after receiving notice of the registration of a registered order, apply to the registration court to set the registration aside. Setting aside a registered order

(6) On application under subsection (5), the registration court shall set aside the registration if it determines that the order was obtained by fraud or error or was not a final order. Grounds

(7) An order determined not to be a final order and set aside under subsection (6) may be dealt with by the registration court under section 5 as a provisional order. Disposition

(8) Where an order purporting to be a final order is made by a court in a reciprocating state and the order is not enforceable in Ontario under the conflict of laws rules of Ontario, the court in Ontario may, in its discretion, deem the order to be a provisional order and deal with it under section 5. Invalid final order treated as provisional

3.—(1) On application by a claimant, a court may, without notice to and in the absence of a respondent, make a provisional order against the respondent. Making of provisional orders

(2) An order under subsection (1) may only include the maintenance provisions the court could have included in a final order in a proceeding of which the respondent had notice in Ontario but in which he failed to appear. Maintenance provisions in provisional orders

(3) Where a provisional order is made, a proper officer of the court shall send to the Attorney General for transmission to a reciprocating state, Transmission of provisional orders

(*a*) three certified copies of the provisional order;

(*b*) a certified or sworn document setting out or summarizing the evidence given in the proceeding;

(*c*) a copy of the enactments under which the respondent is alleged to have an obligation to maintain the claimant; and

(*d*) a statement giving available information respecting identification, location, income and assets of the respondent.

Further evidence

(4) Where, during a proceeding for a confirmation order, a court in a reciprocating state remits the matter back for further evidence to the court in Ontario that made the provisional order, the court in Ontario shall, after giving notice to the claimant, receive further evidence.

Evidence and recommendations

(5) Where evidence is received under subsection (4), a proper officer of the court shall forward to the court in the reciprocating state a certified or sworn document setting out or summarizing the evidence with such recommendations as the court in Ontario considers appropriate.

New provisional orders

(6) Where a provisional order made under this section comes before a court in a reciprocating state and confirmation is denied in respect of one or more claimants, the court in Ontario that made the provisional order may, on application within six months from the denial of confirmation, reopen the matter and receive further evidence and make a new provisional order for a claimant in respect of whom confirmation was denied.

Affirmation

4.—(1) Where the parentage of a child is in issue and has not previously been determined by a court of competent jurisdiction, the parentage may be determined as part of a maintenance proceeding under this Act.

Relation in proceeding respecting provisional order

(2) If the respondent disputes parentage in the course of a proceeding to confirm a provisional order for maintenance, the matter of parentage may be determined even though the provisional order makes no reference to parentage.

Making of confirmation orders

5.—(1) Where the Attorney General receives from a reciprocating state documents corresponding to those described in subsection 3 (3) with the information that the respondent is in Ontario, the Attorney General shall designate a court in Ontario for the purpose of proceedings under this section and forward the documents to that court.

(2) On receipt of the documents referred to in subsection (1), the court shall serve or cause to be served upon the respondent a copy of the documents together with a notice of the confirmation hearing containing a notice to file a statement of financial affairs in the same manner as in a proceeding under the *Family Law Reform Act*, and shall proceed with the hearing taking into consideration the certified or sworn document setting out or summarizing the evidence given in the proceeding in the reciprocating state. Procedure R.S.O. 1980, c. 152

(3) Where the respondent apparently is outside the territorial jurisdiction of the court and will not return, a proper officer of the court, on receipt of documents under subsection (1), shall return the documents to the Attorney General with available information respecting the whereabouts and circumstances of the respondent. Report to Attorney General

(4) At the conclusion of a proceeding under this section, the court may make a confirmation order in the amount it considers appropriate or make an order refusing maintenance to any claimant. Orders of confirmation or refusal

(5) Where the court makes a confirmation order for periodic maintenance payments, the court may direct that the payments begin from a date not earlier than the date of the provisional order. Commencement of payments

(6) The court, before making a confirmation order in a reduced amount or before denying maintenance, shall decide whether to remit the matter back for further evidence to the court that made the provisional order. Further evidence

(7) Where a court remits a matter under subsection (6), it may make an interim order for maintenance against the respondent. Interim order

(8) At the conclusion of a proceeding under this section, the court, or a proper officer of the court, shall, Report and filing

(*a*) forward a certified copy of the order to the court that made the provisional order and to the Attorney General;

(*b*) file the confirmation order, where one is made; and

(*c*) where an order is made refusing or reducing maintenance, give written reasons to the court that made the provisional order and to the Attorney General.

6.—(1) Where the law of the reciprocating state is pleaded to establish the obligation of the respondent to maintain a claimant resident in that state, the court in Ontario shall take judicial notice of that law and apply it. Choice of law

Proof of foreign enactment

(2) An enactment of a reciprocating state may be pleaded and proved for the purposes of this section by producing a copy of the enactment received from the reciprocating state.

Adjournment

(3) Where the law of the reciprocating state is not pleaded under subsection (1), the court in Ontario shall,

(*a*) make an interim order for maintenance against the respondent where appropriate;

(*b*) adjourn the proceeding for a period not exceeding ninety days; and

(*c*) request the Attorney General to notify the appropriate officer of the reciprocating state of the requirement to plead and prove the applicable law of that state if that law is to be applied.

Application of local law

(4) Where the law of the reciprocating state is not pleaded after an adjournment under subsection (3), the court shall apply the law of Ontario.

Statement of local law

(5) Where the law of a reciprocating state requires the court in Ontario to provide the court in the reciprocating state with a statement of the grounds on which the making of the confirmation order might have been opposed if the respondent were served and had appeared at the hearing of the court in Ontario, the Attorney General shall be deemed to be the proper officer of the court for the purpose of making and providing the statement of the grounds.

Variation or rescission of registered orders

7.—(1) The provisions of this Act respecting the procedure for making provisional orders and confirmation orders apply with necessary modifications to proceedings, except under subsection (5), for the variation or rescission of registered orders.

Restricted jurisdiction

(2) This section does not,

(*a*) authorize a provincially appointed judge to vary or rescind a registered order made in Canada by a federally appointed judge; or

(*b*) allow a registered order originally made under a federal enactment to be varied or rescinded except as authorized by federal enactment.

Powers of provincially appointed judge

(3) Notwithstanding subsection (2), a provincially appointed judge may make a provisional order to vary or rescind a registered order made in Canada under a provincial enactment by a federally appointed judge.

Acceptance of jurisdiction

(4) Subject to subsections (2) and (3), a registration court has jurisdiction to vary or rescind a registered order where both claimant and respondent accept its jurisdiction.

Variation and rescission where respondent resides in Ontario

(5) Where the respondent is ordinarily resident in Ontario, a registration court may, on application by the claimant, vary or rescind a registered order.

Confirmation of provisional orders of variation and rescission

(6) A registration court may make a confirmation order for the variation or rescission of a registered order where,

(*a*) the respondent is ordinarily resident in Ontario;

(*b*) the claimant is ordinarily resident in a reciprocating state;

(*c*) a certified copy of a provisional order of variation or rescission made by a court in a reciprocating state is received by the registration court through the Attorney General; and

(*d*) the respondent is given notice of the proceeding and an opportunity to appear.

Application by respondent residing in Ontario

(7) A registration court may, on application by the respondent, make a provisional order varying or rescinding a registered order where,

(*a*) the respondent is ordinarily resident in Ontario; and

(*b*) the claimant is ordinarily resident in the reciprocating state in which the order was first made,

and section 3 applies with necessary modifications to the proceeding.

Idem

(8) A registration court may, on application by the respondent, vary or rescind a registered order where,

(*a*) the respondent is ordinarily resident in Ontario;

(*b*) the claimant is ordinarily resident in a reciprocating state other than the state in which the order was first made; and

(*c*) the registration court, in the course of the proceeding, remits the matter to the court nearest to the place where the claimant lives or works for the purpose of obtaining evidence on behalf of the claimant,

or where,

(*d*) the respondent is ordinarily resident in Ontario;

(*e*) the claimant is not ordinarily resident in a reciprocating state; and

(*f*) the claimant is given notice of the proceeding.

Application by claimant resident in Ontario

(9) Where a claimant ordinarily resident in Ontario applies for a variation or rescission of a final order and the respondent is apparently ordinarily resident in a reciprocating state, the court may make a provisional order of variation or rescission and section 3 applies with necessary modifications to the proceeding.

Effect of variation or rescission of orders of Ontario by courts in reciprocating states

8. Where an order originally made in Ontario is varied or rescinded in a reciprocating state under the law in that state corresponding to section 7, the order shall be deemed to be so varied or rescinded in Ontario.

Enforcement

9.—(1) The registration court has jurisdiction to enforce a registered order notwithstanding that the order,

(*a*) was made in a proceeding in respect of which the registration court would have had no jurisdiction; or

(*b*) is of a kind that the registration court has no jurisdiction to make.

Application of R.S.O. 1980, c. 152

(2) The provisions of the *Family Law Reform Act* for the enforcement of maintenance orders apply with necessary modifications to registered orders and interim orders made under this Act.

Effect of registered order

(3) A registered order has, from the date it is filed or deemed to be registered, the same effect as if it had been a final order originally made by the registration court and may, both with respect to arrears accrued before registration, and with respect to obligations accruing after registration, be enforced, varied or rescinded as provided in this Act.

Status of order

(4) A registered order may be registered with another court in Ontario and enforced as if it were an order of that court.

Service not necessary

(5) Where a proceeding is brought to enforce a registered order, it is not necessary to prove that the respondent was served with the order.

Recording variations

(6) Where a registered order is being enforced and the registration court finds that the order has been varied by a court subsequent to the date of registration, the registration court shall record the fact of the variation and enforce the order as varied.

Welfare agency as claimant

10. A proceeding under this Act may be brought by,

(*a*) the Ministry of Community and Social Services in the name of the Minister; or

(*b*) a municipal corporation, including a metropolitan, district or regional municipality, but not including an area municipality thereof,

as claimant if the Ministry or municipality is providing a benefit under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act* in respect of the support of the dependant. R.S.O. 1980, cc. 151, 188

11.—(1) The Attorney General shall, on request in writing by a claimant or an officer or court of a reciprocating state, take all reasonable measures to enforce an order made or registered under this Act. Duties of the Attorney General

(2) On receipt of a document for transmission under this Act to a reciprocating state, the Attorney General shall transmit the document to the proper officer of the reciprocating state. Transmission of documents

(3) The Attorney General may, in writing, authorize a person to perform or exercise a power or duty given to the Attorney General under this Act. Delegation

12.—(1) Where a document in the nature of an order or a certified copy of the document is received by a court in Ontario through the Attorney General, the court in Ontario shall characterise the document as a provisional order or a final order, according to the tenor of the document, and proceed accordingly. Documents from reciprocating states

(2) Where, in a proceeding under this Act, a document from a court in the reciprocating state contains terminology different from the terminology of this Act or customarily in use in the court in Ontario, the court in Ontario shall give a broad and liberal interpretation to the terminology so as to give effect to the document. Terminology

13. For the purposes of this Act, it shall be presumed, unless the contrary is established, that procedures taken in a reciprocating state have been regular and complete and that the court making an order in a reciprocating state had jurisdiction to do so and that the jurisdiction is recognized under the conflict of laws rules of Ontario. Presumption of regularity

14.—(1) Where confirmation of a provisional order or registration of a final order is sought and the documents received by a court refer to amounts of maintenance or arrears not expressed in Canadian currency, a proper officer of the court shall first obtain from a bank a quotation for the equivalent amounts in Canadian currency at a rate of exhange applicable on the day the order was made or last varied. Conversion to Canadian currency

(2) The amounts in Canadian currency certified on the order by the proper officer of the court under subsection (1) shall be deemed to be the amounts of the order. Certification

Translation

(3) Where an order or other document received by a court is not in English or French, the order or other document shall have attached to it from the other jurisdiction a translation in English or French approved by the court and the order or other document shall be deemed to be in English or French for the purposes of this Act.

Appeals

15.—(1) Subject to subsections (2) and (3), a claimant, respondent or the Attorney General may appeal any ruling, decision or order of a court in Ontario under this Act and the *Family Law Reform Act* applies with necessary modifications to the appeal.

R.S.O. 1980, c. 152

Time for appeal by appellant

(2) A person resident in the reciprocating state and entitled to appear in the court in the reciprocating state in the proceeding being appealed from, or the Attorney General on that person's behalf, may appeal within seventy-five days after the making of the ruling, decision or order of the court in Ontario appealed from.

Time for appeal by persons responding to appeal

(3) A person responding to an appeal under subsection (2) may appeal a ruling, decision or order in the same proceeding within fifteen days after receipt of notice of the appeal.

Order in force pending appeal

(4) An order under appeal remains in force pending the determination of the appeal, unless the court appealed to otherwise orders.

Evidentiary matters

16.—(1) In a proceeding under this Act, spouses are competent and compellable witnesses against each other.

Proof of documents

(2) In a proceeding under this Act, a document purporting to be signed by a judge, officer of a court or public officer in a reciprocating state shall, unless the contrary is proved, be proof of the appointment, signature and authority of the person who signed it.

Sworn documents and transcripts

(3) Statements in writing sworn by the maker, depositions or transcripts of evidence taken in a reciprocating state may be received in evidence by a court in Ontario under this Act.

Proof of default

(4) For the purposes of proving default or arrears under this Act, a court may receive in evidence a sworn document made by any person deposing to have knowledge of, or information and belief concerning, the fact.

Statement of payments

17. A registration court or a proper officer of it shall, on reasonable request of a claimant, respondent, the Attorney General, a proper officer of a reciprocating state or a court of the state, furnish a sworn itemized statement showing with respect to maintenance under an order,

(*a*) all amounts that became due and owing by the respondent during the twenty-four months preceding the date of the statement; and

(*b*) all payments made through the court by or on behalf of the respondent during that period.

Transmission of documents by court where respondent leaves Ontario

18. Where a proper officer of a court in Ontario believes that a respondent under a registered order has ceased to reside in Ontario and is resident in or proceeding to another province or state, the officer shall inform the Attorney General and the court that made the order of any information he has respecting the whereabouts and circumstances of the respondent and, on request by the Attorney General, a proper officer of the court that made the order or the claimant, shall send to the court or person indicated in the request,

(*a*) three certified copies of the order as filed with the court in Ontario; and

(b) a sworn certificate of arrears.

Regulations

19. The Lieutenant Governor in Council may, where satisfied that laws are or will be in effect in a state for the reciprocal enforcement of orders made in Ontario on a basis substantially similar to this Act, by regulation, designate that state to be a reciprocating state.

Saving

20. This Act does not impair any other remedy available to a claimant or another person, Ontario, a province, a state or a political subdivision or official agency of Ontario, a province or a state.

Application to past orders

21. This Act applies to orders, whether provisional, confirmation, final or registered, notwithstanding that they were made or registered before this Act comes into force.

Repeal

22. The *Reciprocal Enforcement of Maintenance Orders Act*, being chapter 433 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

24. The short title of this Act is the *Reciprocal Enforcement of Maintenance Orders Act, 1981*.

An Act to revise the
Reciprocal Enforcement of
Maintenance Orders Act

1st Reading

December 10th, 1981

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(*Government Bill*)

1981

BILL 194 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend certain Acts in respect of Planning and related Matters

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill is companion to Bill 159, An Act to revise the *Planning Act*, given first reading in the House on October 29th, 1981. It amends the *Municipal Act*, the various Regional Acts, the *District Municipality of Muskoka Act*, the *County of Oxford Act* and the *Municipality of Metropolitan Toronto Act* to reflect changes in planning matters that will be brought about when Bill 159 comes into force as an Act of the Legislature.

The effect of the amendments to the *Municipal Act* is to transfer to that Act certain powers respecting building by-laws and related matters now found in the present *Planning Act* but that have been deleted from Bill 159 and to delete from the *Municipal Act* certain provisions respecting signs that are now found in Bill 159.

The other provisions of the Bill repeal those specific provisions in the various Acts mentioned relating to planning matters that will be no longer required with the coming into force of the new *Planning Act* and restructures certain other such provisions that are required to be retained.

BILL 194 1981

An Act to amend certain Acts in respect of Planning and related Matters

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 141, 142, 143 and 144 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed. R.S.O. 1980, c. 302, s. 210, pars. 141-144, repealed

(2) Section 210 of the said Act is amended by adding thereto the following paragraphs: s. 210, amended

162. For regulating the size and strength of frame, wooden, brick, stone, cement and concrete walls, and of the foundations and foundation walls, beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all such buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired, and for authorizing the refusal of a permit for any building or structure that if constructed would be contrary to the provisions of any by-law of the municipality or of a by-law of any other municipality, including a county and a metropolitan municipality, or the laws of Ontario or Canada in force in the municipality. Size and strength of walls, etc., and production of plans

163. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be considered necessary for ascertaining such levels. Ascertaining levels of cellars, etc.

164. For fixing grade lines of streets; for providing that the levels of cellars and basements on such streets shall bear a relation, fixed in the by-law, to such lines; and for requiring that a ground or block plan of any proposed building be deposited with an officer Establishing grades of streets and levels of basements

named in the by-law, before the issue of a building permit for suc building, showing the levels of the cellars and basements in rela tion to the grade lines fixed in the by-law.

Regulation, etc., of heating plant and equipment R.S.O. 1980, c. 46

165. For regulating, controlling and inspecting, subject to th *Boilers and Pressure Vessels Act*, all hot air, hot water and steai heating plants and equipment, or any classes thereof, and th installation thereof; and for requiring the production of plans c all installations of such plant and equipment and alterations c additions thereto, and for charging fees for the inspection an approval of such plans, and fixing the amount of the fees; and fc the issuing of a permit certifying to such approval and for requi ing that without such permit no such plant and equipment may b installed, altered or added to.

Regulating removal and wrecking of buildings and structures

166. For regulating the removing or wrecking of buildings an structures and the spraying thereof during such work so as t prevent dust or rubbish arising therefrom, and for the issuing of permit for the removing, wrecking or partial removing or wrecl ing of buildings and structures without which no building c structure may be removed or wrecked or partially removed c wrecked, and for fixing and charging fees for such permit.

Production of plans of public buildings, etc.

R.S.O. 1980, c. 51

167. For requiring the production of the plans of hospital schools, colleges, churches, theatres, halls, or other buildings use as places of worship, or of public resort, or amusement or fc public meetings now erected or which it is proposed to erect, ar for prohibiting the use or erection of them until the provisions any regulation under the *Building Code Act* is complied with the satisfaction of the architect of the corporation or an offic appointed for the purpose.

Owner's liability to repair land in front of commercial buildings

168. For requiring every owner of land upon which there erected a building used or intended to be used for commerci purposes to keep in repair any portion of his land lying betwee the building and the street line that is used by the public as part the sidewalk on such street.

Repairs to existing buildings

169. For regulating the repairing or alteration of roofs or th external walls of existing buildings so that the buildings may be nearly as practicable fire-proof.

Pulling down, etc., of buildings illegally erected

170. For authorizing the pulling down or removal, at th expense of the owner, of any building or erection constructe altered, repaired or placed in contravention of the by-law.

Pulling down buildings in ruinous state

171. For authorizing the pulling down or repairing or renev ing, at the expense of the owner, of any building, fence, scaffol ing or erection that, by reason of its ruinous or dilapidated stat faulty construction or otherwise, is in an unsafe condition regards danger from fire or risk of accident.

172. For regulating the construction of cellars, sinks, cesspools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them. Construction of cellars, drains, etc.

173. For requiring, Control of termites

i. any building or structure or any class or classes thereof heretofore or hereafter erected or any additions thereto to be rendered resistant to infestation by termites and other wood-destroying insects,

ii. the repair of any part of any building or structure or any class or classes thereof that has been damaged by termites or other wood-destroying insects,

iii. the removal and destruction of all wooden poles, trees, stumps or other wooden or cellulose material that is not part of a building if they are certified by the building inspector or commissioner to be infested by termites or other wood-destroying insects.

174. For providing for the payment by the municipality, not to exceed in any case $250, of not more than one-half of the cost, Cost of control of termites and repairs

i. of repairing any damage done to any building or structure or any class or classes thereof by termites or other wood-destroying insects, and

ii. of rendering resistant to infestation by termites or other wood-destroying insects any building or structure or any class or classes thereof that were erected before a by-law is passed under this paragraph,

and for providing for the making of loans to the owners of such buildings or structures to pay for the whole or any part of the cost of such repairs or of the rendering resistant to such infestation, less any amount paid by the municipality, on such terms and conditions as the council may prescribe.

(*a*) The amount of any loan made under a by-law passed under this paragraph, or a predecessor hereof, together with interest at a rate not exceeding 5 per cent per annum, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

(*b*) A certificate of the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this paragraph, or a predecessor hereof, including the rate of interest thereon, together with a description sufficient to identify the land in respect of which the loan has been made, shall be registered in the proper land registry office against the land upon proof by affidavit of the signature of the clerk, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate of the clerk showing such repayment shall be similarly registered, and thereupon the lands are freed from all liability with reference thereto.

ss. 210*a*-210*c*, enacted

(3) The said Act is amended by adding thereto the following sections:

Township by-laws

210*a*. A by-law passed by the council of a township under any of paragraphs 162 to 174 of section 210 may be made applicable to the township or one or more defined areas thereof as set out in the by-law.

Building inspector

210*b*. The council of a county, including the County of Oxford, or a regional or district municipality may enter into an agreement with one or more local municipalities for the appointment by the county, regional or district council of a building inspector for the administration of by-laws passed under paragraphs 162 to 174 of section 210 by such local municipalities and for charging such municipalities the whole or part of the cost of such building inspector.

Deemed county for purposes of R.S.O. 1980, c. 51

210*c*. The County of Oxford, The District Municipality of Muskoka and every regional municipality, except The Regional Municipality of Sudbury and The Regional Municipality of Haldimand-Norfolk, shall be deemed to be a county for the purposes of the *Building Code Act*.

R.S.O. 1980, c. 439, ss. 96-100, repealed

2. Sections 96, 97, 98, 99 and 100 of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, are repealed.

R.S.O. 1980, c. 438, ss. 100-103, repealed

3. Sections 100, 101, 102 and 103 of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, are repealed.

R.S.O. 1980, c. 443, s. 96, re-enacted; ss. 97-99, repealed

4. Sections 96, 97, 98 and 99 of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official plan

96. The Regional Council shall prepare, adopt and forward to the Minister of Municipal Affairs and Housing for approval, an official plan for the Regional Area.

5. Section 27 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: R.S.O. 1980, c. 441, s. 27, re-enacted

27.—(1) In addition to the powers given to the Regional Council under the *Planning Act, 1981*, the Regional Council may exercise all the powers of a local municipality under that Act and no area municipality shall exercise any powers under the *Planning Act, 1981*. Powers of Regional Council under 1981, c. . . .

(2) The Regional Council may exercise any of the powers set out in paragraphs 162 to 174 of section 210 of the *Municipal Act* and no council of an area municipality shall exercise any such powers. Powers of Regional Council under R.S.O. 1980, c. 302, s. 210, pars. 162-174

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Building Code Act*. Deemed municipality for purposes of R.S.O. 1980, c. 51

(4) Where the Regional Corporation has incurred a cost under subsection 10 (4) of the *Building Code Act*, the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation. Collection of costs under R.S.O. 1980, c. 51

(5) Every by-law passed under the provisions of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, by a local municipality as it existed on the 31st day of December, 1972, shall continue in force until repealed by the Regional Council. By-laws under R.S.O. 1970, c. 349, continued

6. Sections 95, 96 and 97 of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, are repealed. R.S.O. 1980, c. 442, ss. 95-97, repealed

7. Sections 59, 60 and 61 of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: R.S.O. 1980, c. 440, s. 59, re-enacted; ss. 60, 61, repealed

59. The Regional Council shall prepare, adopt and forward to the Minister of Municipal Affairs and Housing for approval, an official plan for the Regional Area. Official plan

8. Sections 64, 65 and 66 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, are repealed. R.S.O. 1980, c. 436, ss. 64-66, repealed

9. Sections 75, 76 and 77 of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, are repealed. R.S.O. 1980, c. 437, ss. 75-77, repealed

R.S.O. 1980, c. 434, ss. 68, 69, re-enacted; ss. 70-72, repealed

10. Sections 68, 69, 70, 71 and 72 of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Official plans preserved

68. All official plans in effect in any part of the Regional Area, on and after the 1st day of January, 1974, remain in effect as official plans but shall be amended forthwith to conform with the official plan adopted by the Regional Council and approved by the Minister.

Area municipality plans

69.—(1) Every council of an area municipality shall, at the request of the Regional Council, prepare a plan for the area municipality and forward it to the Regional Council.

Powers of Regional Council re plans

(2) The Regional Council shall, in respect of plans submitted to it under subsection (1),

(*a*) adopt the plan as submitted, with or without amendment by the Regional Council, and forward it to the Minister of Municipal Affairs and Housing for approval as an official plan; or

(*b*) reject the plan.

R.S.O. 1980, c. 435, ss. 51-55, re-enacted

11. Sections 51, 52, 53, 54 and 55 of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Powers of Regional Council under 1981, c. ...

51.—(1) In addition to the powers given to the Regional Council under the *Planning Act, 1981*, the Regional Council may exercise all the powers of a local municipality under that Act and no area municipality, except as provided in this Part, shall exercise any powers under the *Planning Act, 1981*.

Powers of Regional Council under R.S.O. 1980, c. 302, s. 210, pars. 162-174

(2) The Regional Council may exercise any of the powers set out in paragraphs 162 to 174 of section 210 of the *Municipal Act* and no council of an area municipality shall exercise any such powers.

Deemed municipality for purposes of R.S.O. 1980, c. 51

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Building Code Act*.

By-laws under R.S.O. 1970, c. 349, continued

(4) Every by-law passed under the provisions of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, by a local municipality as it existed on the 31st day of March, 1974, shall continue in force until amended or repealed by the Regional Council.

52. Where the Regional Corporation has incurred a cost under subsection 10 (4) of the *Building Code Act*, the cost may be charged to the area municipality in which the building is situate, and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation. Collection of costs under R.S.O. 1980, c. 51

53. The Regional Council may authorize, for such period and on such terms and conditions as the Regional Council considers necessary, the council of any area municipality to exercise such of the powers under sections 34, 35, 36, 37, 38, 39 and 40 of the *Planning Act, 1981*, as the Regional Council may determine. Area municipality powers under 1981, c. ...

54.—(1) Every council of an area municipality shall, at the request of the Regional Council, prepare a plan for the area municipality and forward it to the Regional Council. Area municipality plans

(2) The Regional Council shall, in respect of plans submitted to it under subsection (1), Powers of Regional Council re plans

(*a*) adopt the plan as submitted, with or without amendment by the Regional Council, as an amendment to the official plan of the Regional Area and forward it to the Minister of Municipal Affairs and Housing for approval; or

(*b*) reject the plan.

55. The Regional Council may authorize the council of an area municipality to appoint a committee of adjustment. Committee of adjustment

12. Sections 51, 52 and 53 of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: R.S.O. 1980, c. 121, s. 51, re-enacted; ss. 52, 53, repealed

51. No area municipality shall exercise any power with respect to the preparation and lodging of official plans under Part III of the *Planning Act, 1981*. Official plans

13. Sections 62, 63 and 64 of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor: R.S.O. 1980, c. 365, s. 62, re-enacted; ss. 63, 64, repealed

62.—(1) The County Council may exercise all the powers, including the powers of a local municipality, under the *Planning Act, 1981* and no area municipality shall, except as provided in subsections (2), (3) and (4), exercise any powers under the *Planning Act, 1981*. Powers of County Council under 1981, c. ...

Committee of adjustment

(2) The council of each area municipality is deemed to be a committee of adjustment under section 45 of the *Planning Act, 1981*.

Powers of area municipality councils under 1981, c. ...

(3) The council of an area muncipality may exercise the powers provided in section 28, except subsection (11), sections 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 46 and 70 of the *Planning Act, 1981*, but in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers, the by-law passed by the County Council shall prevail.

Powers of County Council under R.S.O. 1980, c. 302, s. 210, pars. 162-174

(4) The County Council may exercise any of the powers set out in paragraphs 162 to 174 of section 210 of the *Municipal Act*, and in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers, the by-law passed by the County Council shall prevail.

Subdivision agreements

(5) The County Council may delegate to the council of an area municipality any of its powers in respect of subdivision agreements.

R.S.O. 1980, c. 314, ss. 200-205, repealed

14. Sections 200, 201, 202, 203, 204 and 205 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, are repealed.

Rights vested

15. A benefit, right or status conferred upon a person by sections 200 and 205 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as those sections were on the day immediately prior to the coming into force of this Act is vested in the person notwithstanding section 14.

Commencement

16. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

17. The short title of this Act is the *Planning Statute Law Amendment Act, 1981*.

An Act to amend certain Acts in
respect of Planning and related Matters

1st Reading

December 10th, 1981

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Municipal Affairs and Housing

(*Government Bill*)

BILL 195 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act respecting Assessment Review Procedures

MR. EPP

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill provides for a new assessment appeal procedure whereby appeals on questions of fact from decisions of the Assessment Review Board (formerly the Assessment Review Court) would no longer be heard by county court judges but by an Assessment Appeal Board with expertise in assessment and appraisal matters. Further appeals on questions of fact would be heard by the Ontario Municipal Board, whose decision would be final. Appeals at any level on questions of law or on mixed questions of fact and law would be heard by the county and district courts and further appeals would be heard by the Divisional Court.

BILL 195 1981

An Act respecting Assessment Review Procedures

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (*a*) of the *Assessment Review Court Act*, being chapter 32 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 1 (*a*), re-enacted

(*a*) "Appeal Board" means the Assessment Appeal Board;

(*aa*) "Board" means the Assessment Review Board.

2. Section 2 of the said Act is repealed and the following substituted therefor: s. 2, re-enacted

2. The Assessment Review Court is continued under the name of the Assessment Review Board. Assessment Review Board

3. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the said Act are amended by striking out "Court" wherever it occurs and inserting in lieu thereof in each instance "Board". ss. 3-12, amended

4. The said Act is further amended by adding thereto the following section: s. 3*a*, enacted

3*a*. There shall be an Assessment Appeal Board composed of a chairman and such number of regional vice-chairmen and other members as the Lieutenant Governor in Council considers advisable, all of whom shall be appointed by the Lieutenant Governor in Council from among members of the Assessment Review Board. Assessment Appeal Board

5. The said Act is further amended by adding thereto the following sections: ss. 13, 14, enacted

13. The Appeal Board shall hear and decide all appeals against decisions of the Assessment Review Board on questions Hearings of Appeal Board

of fact alone and for that purpose shall hold hearings at suc times and places as the chairman from time to time may desig nate.

Procedure, etc.

14. Sections 4, 5, 6, 7, 8, 10, 11 and 12 apply to the Appea Board with all necessary modifications.

Title, re-enacted

6. The title of the said Act is repealed and the following substitute therefor: *Assessment Review Act*.

s. 1 (*b*), re-enacted

7. Clause 1 (*b*) of the *Assessment Act*, being chapter 31 of the Revise Statutes of Ontario, 1980, is repealed and the following substitute therefor:

(*b*) "Assessment Appeal Board" and "Appeal Board" mea the Assessment Appeal Board under the *Assessmen Review Board Act*;

(*ba*) "Assessment Review Board" and "Review Board mean the Assessment Review Board under the *Asses ment Review Board Act*.

ss. 35, 36, 39, 40, amended

8. Section 35, section 36, as amended by the Statutes of Ontari 1981, chapter 47, section 6, section 39, as amended by the Statute of Ontario, 1981, chapter 47, section 7, and section 40 of the sai Act are amended by striking out "Court" and "court" wherev they occur and inserting in lieu thereof in each instance "Board and "board" as the case may be.

s. 39 (13), re-enacted; s. 39 (14), repealed

9. Subsections 39 (13) and 39 (14) of the said Act are repealed and th following substituted therefor:

Notice of decision

(13) When the Assessment Review Board has heard an decided a complaint, the regional registrar shall forthwith aft the receipt of the record of the decision from the clerk of th board cause notice thereof to be given,

(*a*) where the complaint was as to the amount of th assessment, by registered mail; and

(*b*) in the case of all other complaints, by ordinary mai

to the persons to whom notice of the hearing of such complai was given, and such notice shall state thereon that such decisio may be appealed, on a question of fact alone, to the Assessme Appeal Board, and on a question of law or of mixed fact and law to the county court of the county in which the assessment made, within twenty-one days of the mailing of the notice an shall also contain a list of the persons to whom notice was give under subsection (4).

10. Section 41 of the said Act is amended by inserting after "court" in the fourth line "and before any tribunal". s. 41, amended

11. Sections 42, 43 and 44 of the said Act are repealed and the following substituted therefor: ss. 42-44, re-enacted

42.—(1) An appeal to the Assessment Appeal Board lies on a question of fact alone at the instance of the municipal corporation or a school board, or at the instance of the assessment commissioner, or at the instance of any person assessed or of any municipal elector of the municipality, against a decision of the Assessment Review Board on an appeal to that board, but also against any omission, neglect or refusal of that board to hear or decide an appeal. Appeal to Appeal Board

(2) A notice of appeal to the Assessment Appeal Board shall be sent by registered mail, within twenty-one days of the mailing of the notice under subsection 39 (13), by the party appealing to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection (13). Notice of appeal

(3) The regional registrar shall, immediately after the time limited for filing appeals, forward a list thereof to the Assessment Appeal Board which shall then notify the regional registrar of the day appointed for the hearing thereof and shall, if in its opinion the appeals or any of them appear to involve the calling or examination of witnesses, fix the place for holding such hearing within the municipality where the assessment roll is in question. Day and place for hearing

(4) The regional registrar shall thereupon give notice to all the appellants and all the persons appealed against in the same manner as is provided for giving notice on a complaint under section 39, but in the event of failure by the regional registrar to have the required service of the notices in any appeal made, or to have the service made in proper time, the Board may direct service to be made for some subsequent day upon which it may hear the matter. Regional registrar to notify parties

(5) The regional registrar shall cause a notice to be posted up in a conspicuous place in the office of the clerk of the municipality, or the place where the council of the municipality holds its sittings, containing the names of all the appellants and persons appealed against, with a brief statement of the ground or cause of appeal, together with the date at which the Board will sit to hear appeals. List of appellants, etc., to be posted up by regional registrar

(6) The clerk of the Assessment Review Board is the clerk of the Appeal Board, and he shall keep a record of the decision of the Appeal Board upon each appeal, which shall be certified by Clerk of Board

the Appeal Board and when so certified shall be forwarded to the regional registrar.

Hearing of appeals

(7) At the sitting so held, the Appeal Board shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at its pleasure but so that all appeals are heard and disposed of as soon as practicable.

Subpoena

(8) A subpoena to compel the attendance of any witness required before the Appeal Board upon any appeal under this Act may be issued by the clerk of the Board, and the subpoena shall be tested as are subpoenas issued out of the county court of the county in actions therein and may be entitled as is provided in section 45.

Assessment roll to be produced to Appeal Board

43. At the hearing to be held by the Appeal Board to hear the appeals hereinbefore provided for, the person having charge of the assessment roll certified by the regional registrar shall appear and produce such roll and all papers and writings in his custody connected with the matter of the appeal.

Appeal Board

44.—(1) In all proceedings before the Appeal Board under or for the purposes of this Act, the Appeal Board possesses all such powers for compelling the attendance of and for the examination on oath of all parties, whether claiming or objecting or objected to, and of all other persons, and for the production of books, papers, rolls and documents, and for the enforcement of its orders, decisions and judgments, as belong to or might be exercised by a county court judge.

New hearing

(2) The hearing of the appeal by the Appeal Board shall be in the nature of a new hearing, and either party may adduce further evidence in addition to that heard before the Assessment Review Board, subject to any order as to costs or adjournment that the Appeal Board may consider just.

ss. 45-47, re-enacted

12. Section 45, section 46, as amended by the Statutes of Ontario, 1981, chapter 47, section 8, and section 47 of the said Act are repealed and the following substituted therefor:

Style of proceedings

45. All process or other proceedings by way of appeal may be entitled as follows:

In the Matter of Appeal from the Assessment Review Board in respect of the .....
.....of ....., Appellant,

and

....., Respondent,

and they need not be otherwise entitled.

Alteration of roll by clerk

46.—(1) The decision of the Appeal Board shall be forwarded by the regional registrar to the clerk of the municipality who shall, except where an appeal from the decision is commenced, forthwith alter the assessment roll in accordance with the decisions of the Appeal Board, and shall write his name or initials against every alteration.

Notice of decision

(2) When the Appeal Board has heard and decided an appeal, the regional registrar shall, forthwith after receipt of the record of the decision from the clerk of the court, cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall state thereon that such decision may be appealed, on a question of fact alone, to the Ontario Municipal Board, and on a question of law or of mixed fact and law, to the county court of the county in which the assessment is made, within twenty-one days of the mailing of such notice.

Appeal to O.M.B.

47.—(1) The municipal corporation, a school board, the assessment commissioner, any person assessed and any person who has filed a complaint under subsection 39 (2) may appeal on a question of fact alone from the decision of the Appeal Board to the Ontario Municipal Board.

Appeal under ss. 32, 33

(2) An appeal on a question of fact alone also lies to the Ontario Municipal Board from a decision of the Appeal Board under section 32 or 33.

Provisions applicable to appeals, powers of O.M.B.

(3) Except as provided in subsections (4) and (5), sections 42 to 45 and section 48 apply to appeals taken under subsection (1) or (2), and on such appeals the Ontario Municipal Board has the powers and duties of the Appeal Board under such sections.

Notice of appeal

(4) A notice of appeal to the Ontario Municipal Board under subsection (1) or (2) shall, within twenty-one days after notice of the decision appealed from has been given under subsection 46 (2), be sent by the party appealing by registered mail to the secretary of the Board and to the persons to whom notice of the hearing before the judge was given.

Notice of hearing

(5) Upon receipt of a notice of appeal under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing.

Appeal from the record

(6) An appeal to the Ontario Municipal Board shall be from the record.

Appeal from O.M.B. to Divisional Court in certain matters

(7) An appeal lies from the decision of the Ontario Municipal Board under this section to the Divisional Court upon all questions of law or the construction of a statute, a municipal by-law, and any agreement in writing to which the municipality concerned is a party, or any order of the Board.

Procedure on appeals

(8) The practice and procedure on the appeal to the Divisional Court shall be the same with necessary modifications, subject to any rule of the court or regulation of the Ontario Municipal Board, as upon an appeal from a county court to the Court of Appeal.

Alteration in roll as result of appeal from O.M.B.

(9) If, by the decision of the Ontario Municipal Board or by the judgment of the Divisional Court, it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality concerned shall, except where an appeal from the decision is commenced, alter the assessment roll to give effect to the decision or judgment and shall write his name or initials against every alteration.

ss. 48, 49, amended

13. Sections 48 and 49 of the said Act are amended by striking out "Court" and "county judge" wherever they occur and inserting in lieu thereof in each instance "Board" and "Assessment Appeal Board" as the case may be.

s. 49*a*, enacted

14. The said Act is amended by adding thereto the following section:

Appeal on question of law

49*a*.—(1) The municipal corporation, a school board, the assessment commissioner, any person assessed and any person who has filed a complaint under subsection 39 (2) may appeal from a decision of the Assessment Review Board, the Assessment Appeal Board or the Ontario Municipal Board to the county court of the county in which the assessment is made on a question of law or a question of mixed fact and law.

Procedure

(2) Procedure on appeals to the county court shall be as provided under section 39, with necessary modifications.

Further appeal

(3) A further appeal lies to the Divisional Court from the judgment of the county court.

ss. 51, 53, 61, amended

15. Sections 51, 53 and 61 of the said Act are amended by striking out "Court" and "county court judge" wherever they occur and inserting in lieu thereof in each instance "Board" and "Assessment Appeal Board" as the case may be.

Commencement

16. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

17. The short title of this Act is the *Assessment Appeal Procedure Amendment Act, 1981*.

Assessment Review Procedures

1st Reading

December 10th, 1981

2nd Reading

3rd Reading

MR. EPP

(*Private Member's Bill*)

1981

BILL 196 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Legislative Assembly Act

MR. RUSTON

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill provides for a deduction of $100 from a member's indemnity for each day of absence from the Assembly while it is sitting, unless the absence is because of illness, pregnancy and childbirth, or official business.

BILL 196 1981

An Act to amend the Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 60 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 29, section 1, is amended by adding thereto the following subsection: s. 60, amended

(3*a*) A deduction of one hundred dollars shall be made from the indemnity payable to a member under this section for every day beyond ten in a session on which the Assembly sits and on which the member is absent from the Assembly for reasons other than illness, pregnancy and childbirth, or official business. Deduction for absence

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Legislative Assembly Amendment Act, 1981*. Short title

An Act to amend the
Legislative Assembly Act

1st Reading

December 11th, 1981

2nd Reading

3rd Reading

MR. RUSTON

(*Private Member's Bill*)

1981

BILL 197 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act respecting Gas Credit Card Payments to Dealers

MR. SWART

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

Producers, importers, or refiners of petroleum products or other persons who sell petroleum products at wholesale and issue credit cards to the public will be prevented by this Bill from making a charge or levying a discount against dealers because payment or part payment is made by credit card scrip.

BILL 197 1981

An Act respecting Gas Credit Card Payments to Dealers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "dealer" means a person who sells petroleum products at retail;

(*b*) "distributor" means a producer, importer or refiner of petroleum products, or other person who sells petroleum products at wholesale under his own brand name or names.

No discount respecting credit card purchases

2. Where a purchase from a dealer is made by means of a credit card that is issued by a distributor, the distributor shall not make a charge or levy a discount in respect of the transaction.

Right of set-off

3. Where a distributor contravenes section 2, the dealer may set the amount of the charge or discount off against any moneys that he owes the distributor.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Gas Credit Card Payments Act, 1981*.

An Act respecting Gas Credit Card Payments to Dealers

1st Reading

December 14th, 1981

2nd Reading

3rd Reading

MR. SWART

(Private Member's Bill)

1981

BILL 198 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to provide Temporary Relief to Mortgagors of Residential Property in Ontario

MR. RENWICK

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is to protect homeowners in their homes by providing a moratorium until March 31st, 1983 on court proceedings for foreclosure, exercise of a power of sale or recovery of payments of principal and interest under a residential mortgage and by providing that any residential mortgage coming due before March 31st, 1983 shall continue in effect, with the same terms and conditions, until that date.

BILL 198 1981

An Act to provide Temporary Relief to Mortgagors of Residential Property in Ontario

Preamble

WHEREAS the interest rate on mortgages of residential property in Ontario has attained unprecedented levels, and whereas there exists pressure for the continued upward movement in the interest rate; and whereas many mortgagors must refinance mortgages in the course of the next year; and whereas it is desirable to provide relief to mortgagors during this period of uncertainty until appropriate economic policies can be implemented to alleviate the current emergency situation;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act, "mortgage" means any mortgage of land or premises used for residential purposes made or executed before the 14th day of December, 1981, and includes any renewal or extension of the mortgage.

Proceedings not to be taken

2. No person shall take or continue any action or proceeding,

(*a*) by way of foreclosure or sale or otherwise, or proceed to execution on or otherwise to the enforcement of, any judgment or order of any court for the recovery of principal money or interest secured by any mortgage of land;

(*b*) under any power of sale or levy any distress or take, resume or enter into possession of any land for the recovery of principal money or interest under any power contained in a mortgage of land; or

(*c*) for the recovery of any part of the principal money or interest secured by any mortgage of land payable by the mortgagor or by any other person as principal or guarantor upon any covenant or agreement or enforce by execution or other process any judgment obtained in respect of any such convenant or agreement,

until the 31st day of March, 1983.

Application of s. 2

3. Section 2 applies only where,

(*a*) the mortgagor resides upon or occupies the land or premises covered by the mortgage; and

(*b*) default has been made in the payment of principal or interest by the mortgagor or any other person liable to make the payment under the mortgage.

Mortgages continued

4. Where a mortgage is due to expire between the day on which this Act comes into force and the 31st day of March, 1983, the mortgage shall be deemed to continue in effect, with the same terms and conditions, until the 31st day of March, 1983.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Mortgagors' Relief Act, 1981*.

An Act to provide Temporary Relief to Mortgagors of Residential Property in Ontario

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1st Reading

December 14th, 1981

2nd Reading

3rd Reading

MR. RENWICK

(*Private Member's Bill*)

1981

BILL 199 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Planning Act

MR. PHILIP

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill gives additional enforcement powers to municipalities that have enacted property standards by-laws. Such municipalities may add the cost of correcting violations of the by-law to the owner's property tax bill and may enact by-laws authorizing tenants to pay rent to the municipality rather than to the owner until an order to repair has been complied with. Property standards officers may have immediate repairs carried out in emergency situations.

BILL 199 1981

An Act to amend the Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 43 (3) of the *Planning Act*, being chapter 379 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause: s. 43 (3), amended

(*f*) for directing any occupant of a property named in an order that has been confirmed or modified under this section to pay his rent to the treasurer of the municipality until the order has been complied with, and for providing that such rent shall be applied by the municipality to reduce the amount of any lien against the property under subsection (21*a*) or (21*j*) and for providing that any balance held by the treasurer of the municipality shall be paid to the owner when the order has been complied with.

(2) The said section 43 is amended by adding thereto the following subsections: s. 43 (21*a*-21*j*) enacted

(21*a*) Where the municipality has exercised its right to demolish or repair under subsection (21), the municipality has a lien or charge upon the lands named in the order for the amount, as certified by the clerk of the municipality, expended by or on behalf of the municipality in connection with the demolition or repair. Lien for cost of demolition or repair

(21*b*) The amount of a lien or charge created under subsection (21*a*) may be added by the clerk of the municipality to the collector's roll and collected in the same manner as municipal taxes over a period fixed by the council and is a lien and charge upon the lands named in the order until paid. Enforcement of lien

(21*c*) Where upon inspection the officer is satisfied that a violation of the standards prescribed in the by-law poses an Emergency order

immediate danger to the health or safety of any person, th officer may make an order requiring the violation to be correcte immediately.

Power to repair

(21*d*) Upon the making of an order under subsection (21*c*) before the order is served, confirmed or modified in accordanc with this section, the officer may immediately take or cause to b taken any measures the officer considers necessary to correct th violation, and the municipality in addition to all other remedies

(*a*) has the right to repair the property to correct the viola tion and for this purpose with its servants and agent from time to time to enter in and upon the property and

(*b*) is not liable to compensate the owner, occupant or an other person having an interest in the property b reason of anything done by or on behalf of the munic pality under this subsection, including anything don without notice to such persons.

Service of order

(21*e*) As soon as possible after a violation is corrected unde subsection (21*d*), the officer shall serve or cause to be serve copies of the order in accordance with subsections (7), (8) and (9 and may, at the same time, provide all occupants with a copy o the order.

Contents of order

(21*f*) An order made under subsection (21*c*) shall contain,

(*a*) the municipal address or a local description of the prop erty;

(*b*) particulars of the violation and reasons why the office believes the violation poses an immediate danger to th health or safety of any person; and

(*c*) notice of the provisions of subsections (21*g*), (21*h* (21*i*) and (21*j*),

and shall have attached thereto a statement by the officer settin out the measures taken by the municipality and the amour expended in doing so.

Application to committee

(21*g*) Upon service of an order made under subsection (21*c* the officer shall apply to the committee for confirmation of th order.

Committee's decision

(21*h*) Upon an officer's application under subsection (21*g* the committee shall,

(*a*) give every person upon whom the order was served a reasonable opportunity to make representations; and

(*b*) if any person upon whom the order was served so requests in writing, inspect the property in the presence of that person,

and shall confirm or refuse to confirm the order.

Appeal

(21*i*) The municipality or the owner of the property affected by a decision of the committee under subsection (21*h*) may appeal the decision in the manner and within the time set out in subsection (19).

Lien if order confirmed

(21*j*) Where an order made under subsection (21*c*) is confirmed by the committee and not appealed, or where on appeal the order is confirmed by the judge, the municipality has a lien or charge upon the lands named in the order for the amount expended by or on behalf of the municipality, enforceable as provided in subsections (21*a*) and (21*b*).

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Planning Amendment Act, 1981*.

An Act to amend the Planning Act

1st Reading

December 14th, 1981

2nd Reading

3rd Reading

MR. PHILIP

(*Private Member's Bill*)

1981

BILL 200 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Municipal Elections Act

MR. NEWMAN

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The purpose of the Bill is to limit election expenditures during municipal election campaigns, to require candidates to file audited statements of receipts and expenses and to require disclosure of election contributions exceeding $100. A mechanism is provided for valuing contributions made in the form of goods and services.

The maximum penalty for exceeding permitted expenditure levels is pegged to the amount by which permitted levels have been exceeded.

A candidate who has been elected may forfeit his seat if he fails to file the required statements and a candidate who has not been elected may not, in case of failure to file, run in elections up to and including the next regular election.

Any excess funds are to be devoted to charity.

BILL 200 1981

An Act to amend the Municipal Elections Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Municipal Elections Act,* being chapter 308 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraphs: s. 1, amended

4*a*. "campaign period" means the period from the beginning of the enumeration period described in section 19 to a day sixty days after the polling day;

. . . . .

11*a*. "election contributions" and "election expenditures" do not include any goods produced by voluntary unpaid labour or any services performed by individuals voluntarily without direct or indirect compensation.

2. Section 121 of the said Act is repealed and the following substituted therefor: s. 121, re-enacted

121. A candidate's election expenditures shall not exceed an amount that is calculated by multiplying 20 cents by the number of electors, Limitation on election expenditures

(*a*) in the ward for which the candidate has been nominated; or

(*b*) in the municipality, if,

(i) the municipality is not divided into wards,

(ii) the candidate has been nominated at large, or

(iii) the candidate has been nominated for an office to be filled by general vote.

122.—(1) Every candidate shall file with the clerk an audited statement of his receipts and expenses relating to the election during the campaign period. Statement of receipts and expenses

Idem

(2) The audited statement shall be filed within ninety days after the polling day and shall be made available to the public.

Offence

123. Every candidate who contravenes section 121 is guilty of an offence and upon conviction is liable to a fine of an amount not exceeding the amount by which his election expenditures exceeded the amount permitted under that section.

Disclosure of election contributions

124.—(1) Every candidate shall disclose the source and amount of all election contributions in excess of $100 in the form of money, goods and services, by filing with the clerk a sworn statement made by the candidate setting out the name of each contributor opposite the amount of the contributor's contribution.

Idem

(2) The sworn statement shall be filed within ninety days after the polling day and shall be made available to the public.

Value of goods and services

125.—(1) The value of goods and services, other than those that are not election contributions, provided to a candidate is

(*a*) where the contributor is in the business of supplying such goods or services, the lowest amount charged by him or it for an equivalent amount of the same goods and services at or about the time and in the market area in which the goods or services are provided; and

(*b*) where the contributor is not in the business of supplying such goods or services, the lowest amount charged, at or about the time the goods or services are provided, by any other person or corporation providing the same goods on a commercial retail basis or services on a commercial basis in the market area in which the goods or services are provided.

Undervalued goods and services

(2) Where goods or services are provided to a candidate for a price that is less than the value of the goods or services as determined under subsection (1), the amount that the price is less than such value is an election contribution for the purposes of this Act.

Failure to file

126.—(1) Where a candidate fails to file the statement required under section 122 or the statement required under section 124,

(*a*) if he was not elected, he is ineligible to be a candidate in any election up to and including the next regular election;

(*b*) if he was elected, any person may apply to a judge of the county or district court of the county or district in

which the municipality or part thereof or the administrative or head office of the local board is situate for an order declaring the candidate's seat to be vacant.

(2) Upon an application under clause (1) (*b*), the judge may order, Seat declared vacant

(*a*) that the candidate's seat be declared vacant; or

(*b*) that the candidate's seat become vacant if the candidate fails to file the statement or statements by a date named in the order.

127. Where a candidate's receipts relating to the election during the campaign period exceed the amount of his expenses relating to the election during the campaign period, he shall pay the excess to the clerk who shall pay it to the United Way Campaign of the municipality or, where there is no United Way Campaign, to the charity of the candidate's choice, and shall maintain a record of the transaction together with the statements required under section 122 and section 124. Excess receipts

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Municipal Elections Amendment Act, 1981*. Short title



An Act to amend the
Municipal Elections Act

1st Reading

December 15th, 1981

2nd Reading

3rd Reading

MR. NEWMAN

(*Private Member's Bill*)

1981

BILL 201

Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to repeal certain Statutes administered by the Ministry of Consumer and Commercial Relations

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

Certain obsolete Acts are being repealed.

Subsection 3 (3) of the *Travel Industry Act* requires a travel salesman to be registered. Subsection 3 (4) is obsolete.

Clause 13 (1) (*a*) of the *Cemeteries Act* prohibits the selling of cemetery lots unless the vendor is licensed.

Subsection 4 (2) of the *Liquor Licence Act* prohibits soliciting orders for the sale of liquor unless the solicitor is licensed or registered.

Section 38 of that Act deals with the holding out as a representative of a manufacturer. The repeal of clauses 39 (*g*) and (*h*) are complementary to the other repeals.

BILL 201 1981

An Act to repeal certain Statutes administered by the Ministry of Consumer and Commercial Relations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The following are repealed: Repeals

1. *Bills of Sale Act*, being chapter 43 of the Revised Statutes of Ontario, 1980.

2. *Consumer Protection Bureau Act*, being chapter 88 of the Revised Statutes of Ontario, 1980.

3. *Co-operative Health Services of Ontario Assets Protection Act, 1981*, being chapter 7.

4. *Debt Collectors Act*, being chapter 113 of the Revised Statutes of Ontario, 1980.

5. *Egress from Public Buildings Act*, being chapter 130 of the Revised Statutes of Ontario, 1980.

6. *The Ontario Credit Union League Limited Act, 1972*, being chapter 42.

7. *Paperback and Periodical Distributors Act*, being chapter 366 of the Revised Statutes of Ontario, 1980.

8. *The Petroleum Products Price Freeze Act, 1975*, being chapter 66.

9. *Quieting Titles Act*, being chapter 427 of the Revised Statutes of Ontario, 1980.

10. Subsections 3 (3) and (4) of the *Travel Industry Act*, being chapter 509 of the Revised Statutes of Ontario, 1980.

11. Clause 13 (1) (*a*) of the *Cemeteries Act*, being chapter 59 of the Revised Statutes of Ontario, 1980.

12. Subsection 4 (2), section 38 and clauses 39 (*g*) and (*h*) of the *Liquor Licence Act*, being chapter 244 of the Revised Statutes of Ontario, 1980.

Commencement

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. The short title of this Act is the *Ministry of Consumer and Commercial Relations Statutes Repeal Act, 1981.*

An Act to repeal certain Statutes
administered by the Ministry of
Consumer and Commercial Relations

1st Reading

December 16th, 1981

2nd Reading

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

(*Government Bill*)

1981

BILL 202 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to repeal the Mortmain and Charitable Uses Act

THE HON. G. W. WALKER
Minister of Consumer and Commercial Relations

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill abolishes the requirement that a corporation hold a licence in mortmain in order to hold land. Certain provisions of the repealed Act that apply to charitable trusts are preserved and rewritten in a Bill to amend the *Charities Accounting Act*.

BILL 202 1981

An Act to repeal the Mortmain and Charitable Uses Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Mortmain and Charitable Uses Act,* being chapter 297 of the Revised Statutes of Ontario, 1980, is repealed. Repeal

(2) Where land has vested in the Public Trustee under subsection 7 (2) or subsection 10 (2) of the said Act before this Act comes into force, the land shall be deemed never to have vested in the Public Trustee unless, Divesting of forfeitures not acted upon by Public Trustee

(*a*) the Public Trustee has conveyed the land to the trustees for the charity or any other person; or

(*b*) the Public Trustee has registered a notice vesting the land in him under section 6*b* of the *Charities Accounting Act*. R.S.O. 1980, c. 65

2. Section 4 of *An Act respecting Real Property,* being chapter 330 of the Revised Statutes of Ontario, 1897, and contained in Appendix A to the Revised Statutes of Ontario, 1980, is amended by striking out the first sentence thereof and by striking out "this and" in the sixth line. R.S.O. 1897, c. 330, s. 4, amended

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Mortmain and Charitable Uses Repeal Act, 1981*. Short title

An Act to repeal the
Mortmain and Charitable Uses Act

1st Reading

December 16th, 1981

2nd Reading

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

(*Government Bill*)

1981

BILL 203

Government Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to amend the Corporations Information Act

The Hon. G. W. Walker
Minister of Consumer and Commercial Relations

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Notes

Section 1. The Act currently provides that where a corporation is carrying on business under a name other than its corporate name, the word "Limited", "Incorporated" or "Corporation" shall not appear as the last word of that name. The amendment has the effect of prohibiting the use of any of the specified words anywhere in the name and coincides with a similar prohibition in the *Business Corporations Act*.

Section 2.—Subsection 1. The subsection being repealed refers to the holding of a licence under the *Mortmain and Charitable Uses Act*. The repeal is ancillary to the proposed repeal of the provisions in that Act relating to mortmain. (Bill 202).

Subsection 2. The amendment to subsection 3 (7) of the Act clarifies the intent of the section, that a corporation need only retain and provide information as to its current directors and officers. Out-of-date notices are on file with the Companies Division and are available for public inspection.

BILL 203 1981

An Act to amend the Corporations Information Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 (3) of the *Corporations Information Act,* being chapter 96 of the Revised Statutes of Ontario, 1980, is amended by striking out "as the last word thereof" in the fifth line. s. 2 (3), amended

2.—(1) Subsection 3 (6) of the said Act is repealed. s. 3 (6), repealed

(2) Subsection 3 (7) of the said Act is amended by striking out "all notices submitted" in the first and second lines and inserting in lieu thereof "the last notice filed". s. 3 (7), amended

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. The short title of this Act is the *Corporations Information Amendment Act, 1981*. Short title

An Act to amend the
Corporations Information Act

1st Reading

December 16th, 1981

2nd Reading

3rd Reading

THE HON. G. W. WALKER
Minister of Consumer and
Commercial Relations

(*Government Bill*)

BILL 204 Government Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Charities Accounting Act

THE HON. R. MCMURTRY
Attorney General

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill is complementary to a Bill to repeal the *Mortmain and Charitable Uses Act*.

The new section 6*b* provides for the sale by the Public Trustee of land that is given or held for a charitable purpose but ceases to be in actual use and occupation for the charitable purpose.

The new section 6*c* preserves the authority for certain public bodies to receive and administer property in trust for a charitable purpose.

The new section 6*d* retains the procedure contained in section 14 of the *Mortmain and Charitable Uses Act* for taking complaints about the execution of a charitable trust to the Supreme Court.

BILL 204 **1981**

An Act to amend the Charities Accounting Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Charities Accounting Act,* being chapter 65 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections: ss. 6*a*-6*d*, enacted

6*a*. In sections 6*b*, 6*c* and 6*d*, Interpretation

(*a*) "charitable purpose" means,

(i) the relief of poverty,

(ii) education,

(iii) the advancement of religion, and

(iv) any purpose beneficial to the community, not falling under subclause (i), (ii) or (iii);

(*b*) "land" includes an interest in land.

6*b*.—(1) A person who holds land for a charitable purpose shall hold the land only for the purpose of actual use and occupation of the land for the charitable purpose. Actual use and occupation of land for charitable purpose

(2) Where in the opinion of the Public Trustee, land held for a charitable purpose, Vesting in Public Trustee

(*a*) has not been actually used and occupied for the charitable purpose for a period of three years;

(*b*) is not required for actual use and occupation for the charitable purpose; and

(*c*) will not be required for actual use and occupation for the charitable purpose in the immediate future,

the Public Trustee may vest the land in the Public Trustee by registering a notice in the land registry office to that effect and stating that he intends to sell the land, and shall, where practicable, deliver a copy of the notice to the person who held the land for the charitable purpose.

Sale by Public Trustee

(3) Where land vests in the Public Trustee under subsection (2), the Public Trustee shall cause the land to be sold with all reasonable speed and shall apply the proceeds of sale, less his reasonable expenses in respect of the sale, to the charitable purpose.

Computation of time

(4) Where land has been granted or devised in reversion or remainder for a charitable purpose, the three year period referred to in clause (2) (*a*) shall be calculated from the date on which the interest of the person to whom the land had been so devised or granted becomes an interest in possession.

Order to revest and sanctioning retention for period

(5) If, upon application to the Supreme Court by any person having an interest, the court is satisfied that the land,

(*a*) has been actually used and occupied for the charitable purpose within the preceding three years;

(*b*) is required for actual use and occupation for the charitable purpose; or

(*c*) will be required for actual use and occupation for the charitable purpose in the immediate future,

the court may make an order revesting in a charity land that has vested in the Public Trustee under subsection (2) and sanctioning retention of the land by the charity for a period that is specified in the order.

Renewal of period

(6) Where in an application under subsection (5), the court finds that land is not required for actual use and occupation for the charitable purpose but will be required for actual use and occupation in the immediate future, the period specified in the order under subsection (5) shall not exceed three years, but on application by any person having an interest, the court may make an order extending the period for a further period not exceeding three years.

Effect of sanction of retention

(7) The Public Trustee shall not cause the land to vest in him under subsection (1) during any period for which the retention is sanctioned by an order under subsection (5) or (6).

6*c*.—(1) Subject to section 6*b*, a municipal corporation or local board thereof, a university or a public hospital may receive, hold and enjoy real or personal property devised, bequeathed or granted to it for a charitable purpose, upon the terms expressed in the devise, bequest or grant. Authority for certain public bodies to receive property for charitable purposes

(2) A municipal corporation or local board thereof, university or public hospital holding property under subsection (1) may enter into an agreement with the person devising, bequeathing or granting the property for the holding, management, administration or disposition of the property. Agreement re administration

(3) This section applies notwithstanding that the devise, bequest or grant was made before it was authorized by this section. Application of section

6*d*.—(1) Where any two or more persons allege a breach of a trust created for a charitable purpose or seek the direction of the court for the administration of a trust for a charitable purpose, they may apply to the Supreme Court and the court may hear the application and make such order as it considers just for the carrying out of the trust under the law. Application for order re carrying out trust

(2) An application under subsection (1) shall be upon notice to the Public Trustee who may appear and be represented by counsel at the hearing. Notice to Public Trustee

(3) Where the court is of the opinion that the public interest can be served by an investigation of the matter alleged in the application, the court may make an order directing the Public Trustee to make such investigation as the Public Trustee considers proper in the circumstances and report in writing thereon to the court and the Attorney General. Investigation by Public Trustee

(4) In making an investigation directed under subsection (3), the Public Trustee has and may exercise any of the powers conferred on him by this Act and any of the powers of a commission under Part II of the *Public Inquiries Act,* which Part applies to the investigation as if it were an inquiry under that Act. Powers of Public Trustee

R.S.O. 1980, c. 411

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Charities Accounting Amendment Act, 1981*. Short title

An Act to amend the
Charities Accounting Act

1st Reading

December 16th, 1981

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(*Government Bill*)

1981

BILL 205 Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to establish the Cultural, Multicultural and Recreational Council of Ontario

MR. GRANDE

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill creates the Cultural, Multicultural and Recreational Council, to deal with the profits of Wintario and promote cultural, multicultural and recreational activities.

BILL 205 1981

An Act to establish the Cultural, Multicultural and Recreational Council of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "applicant" means a person or association that submits an application to the Council;

(*b*) "Council" means the Cultural, Multicultural and Recreational Council of Ontario;

(*c*) "Minister" means the Minister of Culture and Recreation;

(*d*) "recreation" includes physical fitness and sports activities and "recreational" has a corresponding meaning.

2. A corporation, known as the "Cultural, Multicultural and Recreational Council of Ontario", consisting of fifteen members, is established. Council

3.—(1) Any active cultural, multicultural or recreational association in Ontario having at least twenty-five members may nominate a candidate for appointment to the Council. Appointment

(2) The Lieutenant Governor in Council shall appoint, Idem

(*a*) five members from nominees of cultural associations;

(*b*) five members from nominees of multicultural associations; and

(*c*) five members from nominees of recreational associations.

Idem

(3) The members of the Council shall be geographically representative of the population of Ontario and each member shall hold office for a term of two years, except that, of those first appointed, eight shall be appointed for a term of one year and seven for two years.

Chairman

4. The members of the Council, at the first meeting in each calendar year, shall elect from among themselves a chairman and a vice-chairman to hold office until a successor chairman or vice-chairman is elected.

Quorum

5. A majority of the members of the Council constitutes a quorum whether or not a vacancy exists in the membership of the Council.

Staff

6. The Council may appoint such officers and employees as it considers appropriate for the purpose of carrying out its functions under this Act.

Objects

7. The Council shall,

(*a*) seek to promote, advance and develop cultural, multicultural and recreational activities and facilities in Ontario;

(*b*) receive, consider and decide upon applications for grants and loans out of moneys made available under section 9 of the *Ontario Lottery Corporation Act* for the purposes referred to in clause (*a*);

R.S.O. 1980, c. 344

(*c*) perform such other duties as are assigned to it by the Legislature.

By-laws

8. The Council may make by-laws regulating its proceedings and generally for the conduct and management of its activities.

Hearing

9.—(1) An applicant who is dissatisfied with the Council's disposition of his application may require a hearing by mailing or delivering written notice to the chairman of the Council within fifteen days after receiving notice of the Council's initial decision.

Idem

(2) Upon receiving a notice under subsection (1) the Council shall promptly conduct a hearing into the application and may vary or revoke its initial decision and make any other decision regarding the application that the Council considers appropriate.

Annual report

10. The chairman of the Council shall annually file with the Minister a report upon the affairs of the Council, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly, if it is in session or, if not, at the next ensuing session.

11. This Act comes into force on the day it receives Royal Assent. Commencement

12. The short title of this Act is the *Cultural, Multicultural and Recreational Council of Ontario Act, 1981*. Short title

An Act to establish the Cultural, Multicultural and Recreational Council of Ontario

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1st Reading

December 16th, 1981

2nd Reading

3rd Reading

MR. GRANDE

(*Private Member's Bill*)

1981

BILL 206

Private Member's Bill

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Election Finances Reform Act

MR. MANCINI

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Notes

The Bill sets expenditure ceilings of 90 cents per voter for candidates and 35 cents per voter for parties, subject to annual adjustments on the basis of the Statistics Canada Consumer Price Index.

Contributions may be made only by individuals and not by corporations or trade unions. Candidates, parties and constituency associations may not use campaign funds to make contributions to municipal candidates.

Taxpayers are permitted to designate up to $5 of income tax refunds as contributions, or may add a similar amount to taxes payable, and the Treasurer of Ontario will make payments on their behalf.

Candidates and constituency associations may engage in campaign advertising before the 21-day period preceding polling day and may devote all or any part of their permitted expenditures to advertising.

Advertising of government programs is prohibited during the election period.

BILL 206 1981

An Act to amend the Election Finances Reform Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 11 (1) of the *Election Finances Reform Act,* being chapter 134 of the Revised Statutes of Ontario, 1980, is amended by striking out "corporation or trade union" in the second line. s. 11 (1), amended

2. Subsection 17 (1) of the said Act is amended by striking out "corporations and trade unions" in the third and fourth lines. s. 17 (1), amended

3. Subsection 19 (1) of the said Act is amended by striking out "corporation or trade union" in the first and second lines. s. 19 (1), amended

4. Subsection 20 (1) of the said Act is repealed and the following substituted therefor: s. 20 (1), re-enacted

(1) No person shall contribute to any political party, constituency association or candidate registered under this Act funds not actually belonging to him or any funds that have been given or furnished to him by any person or group of persons or by a corporation or trade union for the purpose of making a contribution thereof. Contributor to contribute only funds belonging to him

5. The said Act is amended by adding thereto the following section: s. 21*a*, enacted

21*a*. No political party, constituency association or candidate registered under this Act shall pay funds that were received as election contributions under this Act to a candidate under the *Municipal Elections Act* as a contribution to that candidate's campaign. No contributions to municipal candidates R.S.O. 1980, c. 308

6.—(1) Subsection 23 (1) of the said Act is amended by striking out "corporation or trade union" in the first line. s. 23 (1), amended

(2) Subsection 23 (2) of the said Act is amended by striking out "corporation, trade union" in the first line and "corporation or trade union or" in the eighth line. s. 23 (2), amended

s. 27 (1), amended

7.—(1) Subsection 27 (1) of the said Act is amended by striking ou "except a trade union" in the fourth line.

s. 27 (2), re-enacted

(2) Subsection 27 (2) of the said Act is repealed and the following substituted therefor:

Application of Act to amounts making up contribution

(2) The amounts making up a contribution under subsection (1 that are attributable to any person are contributions of such person for the purposes of this Act.

s. 30 (1) (*a*), re-enacted

8.—(1) Clause 30 (1) (*a*) of the said Act is repealed and the following substituted therefor:

(*a*) knowingly accept contributions from any person nor mally resident outside Ontario, from any corporation o from any trade union; or

. . . . .

s. 30 (2), re-enacted

(2) Subsection 30 (2) of the said Act is repealed and the following substituted therefor:

Return of contribution

(2) Where the chief financial officer learns that any contribu tion was accepted by or on behalf of the political party, consti tuency association or candidate for whom he acts from any perso normally resident outside Ontario or from any corporation or fron any trade union, he shall, within thirty days after learning thereof return the contribution or an amount equal to the sum contri buted.

s. 32, re-enacted

9. Section 32 of the said Act is repealed and the following substitute therefor:

Designation of contribution R.S.O. 1980, c. 213

32.—(1) The form prescribed for the return to be filed unde the *Income Tax Act* shall provide that,

(*a*) an individual who is liable to pay tax may add a additional amount not exceeding $5 to such tax an designate the additional amount as a contribution t a registered party; and

(*b*) an individual who is entitled to a refund may designat an amount of the refund not exceeding $5 as a contribu tion to a registered party.

Payment

(2) Where a designation is made under subsection (1), the Trea surer of Ontario shall ensure that the appropriate payment is mad to the registered party and that the notice of assessment that is sen to the taxpayer refers to the payment.

10. The said Act is further amended by adding thereto the following section: s. 35*a*, enacted

35*a*.—(1) In this section, "expenditures" does not include the use or consumption of goods produced by voluntary unpaid labour or the use of services performed by an individual voluntarily for a political party, constituency association or candidate without direct or indirect compensation, but includes advertising expenses as set out in section 39. Expenditures

(2) The total expenditures incurred by a political party, constituency association or candidate registered under this Act shall not, during the campaign period, exceed, Limitation of election expenditures

(*a*) in the case of a registered party in relation to a general election, the aggregate amount determined by multiplying 35 cents, adjusted as provided in subsection (3), by the number of names appearing on all the revised lists of voters at the election for the electoral districts in which there is an official candidate of the party;

(*b*) in the case of a registered party in relation to a by-election in an electoral district, the amount determined by multiplying 35 cents, adjusted as provided in subsection (3), by the number of names appearing on the revised list of voters for the electoral district; and

(*c*) in the case of,

(i) a registered constituency association of a registered party and the official candidate of such party in an electoral district, or

(ii) an independent candidate in an electoral district,

the amount determined by multiplying 90 cents, adjusted as provided in subsection (3), by the number of names appearing on the revised list of voters for the electoral district.

(3) The amounts set out in subsection (2) shall be adjusted by multiplying them by the figure that is obtained when the national Consumer Price Index for the relevant year published by Statistics Canada or any successor body is divided by the national Consumer Price Index for 1981. Annual adjustment

11. Subsection 37 (3) of the said Act is repealed and the following substituted therefor: s. 37 (3), re-enacted

Exception

(3) Subsections (1) and (2) do not apply to a guarantee by a person or unincorporated association or organization of a loan referred to in section 36.

s. 38 (1), amended

12.—(1) Subsection 38 (1) of the said Act is amended by striking out "constituency association or candidate" in the first and second lines and "or his" in the third line.

s. 38 (4), re-enacted

(2) Subsection 38 (4) of the said Act is repealed and the following substituted therefor:

Rates to be charged to parties, constituency associations and candidates for broadcasting time and advertising space

(4) No person or corporation shall,

(*a*) charge a registered party, constituency association or candidate, or any person acting with its or his knowledge and consent, a rate for broadcasting time on any broadcasting undertaking in the relevant period that exceeds the lowest rate charged by him or it for an equal amount of equivalent time on the same facilities made available to any other person in that period; or

(*b*) charge a registered party, constituency association or candidate, or any person acting with its or his knowledge and consent, a rate for an advertisement in a periodical publication published or disbursed and made public in the relevant period that exceeds the lowest rate charged by him or it for an equal amount of equivalent advertising space in the same issue of the periodical or in any other issue thereof published or disbursed and made public in that period.

Idem

(5) In subsection (4), the relevant period,

(*a*) in the case of a registered party, is the period beginning on the twenty-first day before the day immediately before polling day and ending on the second day before polling day; and

(*b*) in the case of a constituency association or candidate, is the period beginning with the issue of a writ for an election and ending on the second day before polling day.

s. 39, re-enacted

13. Section 39 of the said Act is repealed and the following substituted therefor:

Limitation on advertising costs

39. The total expenses incurred for advertising by a political party registered under this Act, including advertising done by any person with the knowledge and consent of the political party by the use of time on the facilities of any broadcasting undertak-

ing or by publishing in any newspaper, magazine or other periodical publication or by display through the use of any outdoor advertising facility shall not, during the period referred to in subsection 38 (1) exceed,

(*a*) in the case of a registered party in relation to a general election, the aggregate amount determined by multiplying 25 cents by the number of names appearing on all of the revised lists of voters at the election for the electoral districts in which there is an official candidate of the party;

(*b*) in the case of a registered party in relation to a by-election in an electoral district, the amount determined by multiplying 50 cents by the number of names appearing on the revised list of voters for the electoral district.

14. The said Act is further amended by adding thereto the following section: s. 39*a*, enacted

39*a*.—(1) In this section, "government body" means any ministry, board, commission, crown corporation or agency of the Government of Ontario. Interpretation

(2) No government body shall, during the period commencing with the issue of a writ for an election and terminating on the polling day, No government advertising

(*a*) in the case of a general election, publish in any manner;

(*b*) in the case of a by-election in an electoral district, publish in any manner in the electoral district; and

(*c*) in the case of a by-election in an electoral district which includes all or part of a municipality having a population exceeding 20,000 persons, publish in any manner in the electoral district or in the municipality,

any information or particulars of the activities of the government body, except in the case of an emergency where the public interest requires such publication.

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. The short title of this Act is the *Election Finances Reform Amendment Act, 1981*. Short title

An Act to amend the
Election Finances Reform Act

1st Reading

December 17th, 1981

2nd Reading

3rd Reading

MR. MANCINI

(*Private Member's Bill*)

1981

BILL 207 Private Member's Bill

1st Session, 32nd Legislature, Ontario
30 Elizabeth II, 1981

An Act to provide for a Moratorium on Mortgage Payments for Persons affected by an Interruption of Employment

Mr. Cooke

TORONTO
Printed by Alan Gordon, Queen's Printer for Ontario

Explanatory Note

The purpose of the Bill is to provide for a moratorium on the payment of principal and interest amounts secured by mortgages on the residences of persons who suffer an interruption of employment arising from a legal strike, lock-out or lay-off. The Bill also protects a mortgagor from mortgage default proceedings during the moratorium period.

BILL 207 1981

An Act to provide for a Moratorium on Mortgage Payments for Persons affected by an Interruption of Employment

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act, "residence" means the residence in which a person ordinarily and actually resides.

Mortgage payment deferral

2. Where the employment of a mortgagor is interrupted by reason of a legal strike, lock-out or lay-off, the mortgagor may defer the payment of the principal money secured by the mortgage on the mortgagor's residence and the interest thereon,

(*a*) in the case of a strike or lock-out, for the period of the interrupted employment and a period of three months following the resumption of employment; or

(*b*) in the case of a lay-off, for the period of the lay-off and a period of three months following the resumption of employment or for a period of six months following the day on which the lay-off commences, whichever occurs first.

Moratorium on mortgage default proceedings

3. Where the employment of a mortgagor is interrupted by reason of a legal strike, lock-out or lay-off, the mortgagee shall not bring any proceedings in respect of a default by the mortgagor in making payments under a mortgage of a mortgagor's residence,

(*a*) in the case of a strike or lock-out, for the period of the interrupted employment and a period of three months following the resumption of employment; or

(*b*) in the case of a lay-off, for the period of the lay-off and a period of three months following the resumption of employment or for a period of six months following the day on which the lay-off commences, whichever occurs first.

Notice

4. Sections 2 and 3 do not apply until the mortgagor gives notice of the interrupted employment, in writing, to the mortgagee and, upon the resumption of employment, the mortgagor shall give the mortgagee notice forthwith.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Mortgage Payments Moratorium Act, 1981*.

An Act to provide for a Moratorium on Mortgage Payments for Persons affected by an Interruption of Employment

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1st Reading

December 17th, 1981

2nd Reading

3rd Reading

MR. COOKE

(*Private Member's Bill*)

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act to amend the Milk Act

MR. SWART

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

Explanatory Note

The Bill would permit The Milk Commission of Ontario to determine prices at the retail as well as at the wholesale level for milk, skim milk, buttermilk, flavoured milk and cream.

FLL 208 1981

An Act to amend the Milk Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 8 (1), amended

1. Subsection 8 (1) of the *Milk Act,* being chapter 266 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following paragraph:

16*a*. determining from time to time the maximum and minimum prices that shall be paid at the wholesale and retail levels for fluid milk products or any class, variety or size of fluid milk products, determining different maximum and minimum prices for different parts of Ontario, and prohibiting the sale of fluid milk products at prices above or below the applicable maximum or minimum prices.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Milk Amendment Act, 1981.*

1st Reading

December 17th, 1981

2nd Reading

3rd Reading

MR. SWART

(*Private Member's Bill*)

BILL 209

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1982

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 209 1981

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1982

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable John B. Aird, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1982; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$12,604,272,800 granted for fiscal year 1981-82

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $12,604,272,800 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1981, to the 31st day of March, 1982, as set forth in the Schedule to this Act, and, subject to subsection (2), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

Exception

(2) Where, in the fiscal year ending the 31st day of March, 1982, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Supply Act, 1981*.

SCHEDULE

	Estimates	Supplementary Estimates	Total
	$	$	$
Office of the Lieutenant Governor	116,200		116,200
Office of the Premier	1,511,900		1,511,900
Cabinet Office	1,153,100		1,153,100
Management Board	194,159,800		194,159,800
Government Services	135,668,000		135,668,000
Intergovernmental Affairs	376,166,800	17,198,000	393,364,800
Northern Affairs	137,137,800	9,306,000	146,443,800
Revenue	345,140,500		345,140,500
Treasury and Economics	99,137,000		99,137,000
Office of the Assembly	27,347,600	2,262,800	29,610,400
Office of the Provincial Auditor	2,834,000		2,834,000
Office of the Ombudsman	3,493,000	229,000	3,722,000
Justice Policy	577,400		577,400
Attorney General	138,538,300		138,538,300
Consumer and Commercial Relations	60,943,700		60,943,700
Correctional Services	129,755,800	4,000,000	133,755,800
Solicitor General	159,908,000		159,908,000
Resources Development Policy	2,240,300		2,240,300
Agriculture and Food	145,389,000	37,000,000	182,389,000
Energy	17,315,500		17,315,500
Environment	253,236,600	1,060,000	254,296,600
Housing	266,456,000	5,000,000	271,456,000
Industry and Tourism	66,932,000		66,932,000
Labour	45,893,900		45,893,900
Natural Resources	232,130,000		232,130,000
Transportation and Communications	970,634,500	18,920,000	989,554,500
Social Development Policy	2,754,000		2,754,000
Colleges and Universities	1,345,091,000	4,550,000	1,349,641,000
Community and Social Services	1,311,279,100	34,525,800	1,345,804,900
Culture and Recreation	134,039,500		134,039,500
Education	1,468,896,300		1,468,896,300
Health	4,273,232,000	121,112,600	4,394,344,600
Total	12,349,108,600	255,164,200	12,604,272,800

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1982

1st Reading

December 18th, 1981

2nd Reading

December 18th, 1981

3rd Reading

December 18th, 1981

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics
